...(Interruptions)... So, we adjourn for lunch till three o' clock.

The House then adjourned for lunch at nineteen minutes past two of the clock

The House reassembled after lunch at five minutes past three of the clock

[THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) in the Chair.]

PRIVATE MEMBER'S RESOLUTION

Re: Need for review of the Constitution of India

श्री रामदास अग्रवाल (राजस्थान) : उपसभाध्यक्ष महोदय, मैं यह संकल्प प्रस्तुत करता हूं कि:-

इस सभा का यह मत है कि पिछले 50 वर्षों के दौरान राज्य

और केन्द्र दोनों ही स्तरों पर हुए अनुभव के परिप्रेक्ष्य में

भारत के संविधान की समीक्षा करना आवश्यक हो गया हैं

और यह सभा सरकार से सिफारिश करती हैं कि वह इस

इस संबंध में शीघ्र कार्यवाही करें।"

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): If my hon. friend yields on this, I would like to persuade him not to press for this resolution for the simple reason that the party manifesto of this Government is committed to this. We will not waste any time, an action will be taken speedily to embark upon a review of the situation. But I would like to make it very clear that the basic structure of the Constitution will not be tampered with. Only those marginal amendments will be recommended, or, accepted, which make the Constitution more effective for achievement of the purposes that are formulated in the Preamble of the Constitution. After all, the hon. Member is seeking only an expression of opinion by this House that the Government should take an early action in this regard. On behalf of the Government, I promise an early action. Therefore, no formal Resolution is really called for. I would appeal to the hon. Member to withdraw it.

श्री रामदास अग्रवाल : उपसभाध्यक्ष जी, मैंने जो संकल्प प्रस्तुत किया हैं, उस

पर इस समय पूरे देश में अच्छी बहस चालू है और मैं समझता हूं कि सदन में भी इस विषय पर बहस होनी चाहिए ताकि हम विभिन्न राजनीतिक दलों के लोगों के विचारों को सुन सकें। इसके साथ ही हमारे सदन में कई ऐसे योग्य, विद्वान और कानून के विशेष्सज्ञ सांसद मौजूद हैं, उनके विचारों को भी हमें यहां सुनने का मौका मिलेगा। इसलिए यह अच्छा होगा कि इस विषय पर हम यहां चर्चा करें और लोगों के विचार जानें ताकि जो निर्णय सरकार ने किया हैं, जो वायदा किया हैं कि वह कांस्टीट्यूशन रिव्यू कमीशन बनाएगी, इस बहस से उनको कुछ मदद मिलेगी। इसलिए मैं मंत्री महोदय से निवेदन करूंगा कि इस विषय पर चर्चा करने के लिए यह उपयुक्त स्थान हैं। इसलिए मंत्री जी इस बिल को आगे बढ़ाने के लिए रास्ता साफ करें।

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI) : In view of the fact that the Resolution has already been moved and the Member has expressed his intention to continue and there is an amendment also, let us proceed. Mr. Eduardo Faleiro.

SHRI EDUARDO FALEIRO (Goa) : Mr. Vice Chairman, Sir, the Law Minister, with his vast experience, has really pre-empted much of what would have been said. This Resolution, as it is drafted, is open-ended, without limitations, wholesale teview of the Constitution appears to be in the nun'! ot hon. Member This will be opposed, as I just now mentioned before she House met, tooth and mail. My teeth may be old, and the nails not in noble conditions. Bui the Mouse will surely oppose it in this manner. (Intrrup*tions)*

1 HE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : You have tO your Amendment?

SHRI EDUARDO IFA'\LLTRO : No, Sir, I am just moving it. *(Interruptions)* 1 am moving it. (Interruptions) Just a couple of minutes. *(Interruptions)*

1'UE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : At the time of moving the Resolution... *(Interruptions)*

SHRI EDUARDO FALEIRO : I knew, Sir. Just permit me. I crave for vow induh>eh< e. I have to go. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI TN. CHATURVEDI) : I know.

But the mover has yet to listen... *(Interruptions)* You have moved the amendment to the Resolution.... *(Interruptions)*

SHRI EDUARDO FALEIRO : I move the amendment without prejudice to my contention that I oppose the Resolution.

I move :

"That this House is further of the opinion that such review shall not interfere with the basic structure of the Constitution as enshrined in its Preamble and other Provisions. This is the bottom-line. But the review itself will be opposed. *(Interruptions)* "

The questions were proposed.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI):The Resolution and the amendment moved thereto are now open for discussion.

श्री रामदास अग्रवाल : उपसभाध्यक्ष महोदय, मैं आपका आभारी हूं कि आपने इस महत्वपूर्ण विषय पर जो संकल्प मैंने प्रस्तुत किया हैं उस पर बोलने का अवसर प्रदान किया। महोदय, वैसे तो मैं संविधान विशेषज्ञ नहीं हूं और न ही पेशे से वकील हूं लेकिन फिर भी मैं इस सदन में यह संकल्प प्रस्तुत कर रहा हूं एक साधारण नागरिक और सांसद के नाते। इस सदन में जैसा कि मैंने कहा कि बहुत सारे हमारे माननीय सांसद हैं जो संविधान के विशेषज्ञ हैं जिन्हें संविधान का पूरा अनुभव हैं, जानकारी है वे हमारे इस सदन में मौजूद हैं और मैं समझता हूं कि बहस के दौरान वह लोग भी अपने विचार व्यक्त करेंगे ताकि हम एक सार्थक चच्ार अपने संविधान के रिव्यू के बारे में कर सकें। महोदय, मैं अपना विषय आरम्भ करूंध उसके पहले मैं कुछ ग्राउंड में जाना चाहूंगा। सन् 1946 से लेकर 1949 तक लगभग तीन वर्षों की लगातार मशक्कत और परिश्रम के बाद 26 नवम्बर, 1949 को हमारी संविधान सभा ने देश को यह संविधान दिया। इस संविधान को अंगीकृत किया, अधिनियिमित किया और आत्मार्पित किया। इसके ठीक दो माह बाद 26 जनवरी, 1950 को सूर्य की जो पहली किरण उदित हुई उससे हमारा राष्ट्र सम्पूर्ण प्रभुत्व सम्पन्न लोकतांत्रिक गणराज्य के रूप में प्रगट हुआ और यह हमारे लिए अत्यन्त गोरव, अत्यन्त अभिमान और भारतवर्ष के लिए उस समय के 35 करोड़ लोगों के लिए यह बहुत स्वाभिमान का दिवस था, बहुत आनन्द और उत्सव का दिन था कि स्वाभिमानी राष्ट्र के रूप में गुलामी की जंजीरों को तोड़कर एक स्वतंत्र राष्ट्र कें रूप में प्रस्थापित हुआ। संविधान निर्माताओं ने अपने प्रीएम्बल में अपने समस्त नागरिकों को जो वायदा किया हैं और उपसभाध्यक्ष महोदय, इस प्रिएम्बल में सबसे महत्वपूर्ण बात यह कि सारे संविधान

की धाराओं का निचोड़ उसकी संविधान की सम्पूर्ण भावनाओं का एक तरह से निचोड़ करके उन्होंने इस उद्देश्यिक में प्रीएम्बल में इसको समाहित करके राष्ट्रण को ऐसा संदेश दिया है जो कि आपके सामने पढ़ना चाहता हूं:-

प्रीएम्बल में संविधान निर्माताओं ने समस्त नागरिकों को सामाजिक, आर्थिक और राजनीतिक न्याय, विचार अभिव्यक्ति, विश्वास, धर्म और उपासना की स्वतंत्रता, प्रतिष्ठा और अवसर की समता प्राप्त करने के लिए तथा उन सब में व्यक्ति की गरीमा और राष्ट्र की एकता और अखंडता सुनिश्चित करने वाली बंधुत्वता बढ़ाने के लिए दृढ़ संकल्प व्यक्त किया था। महोदय, यही हमारा मूल मंत्र है जिसके आधार पर हम अपने देश को आगे बढ़ाना चाह रहे थे, अपने देश को आगे चला रहे थे। हम भारतवासियों को इस बात का गर्व हैं और गोरव है कि आज हम विश्व के सबसे बड़े लोकतांत्रिक देश का नाम से जाने जाते हैं। अनेक आपदाओं और विपदाओं के बाद भी हमने अपनी प्रजातांत्रिक व्यवास्था का कायम रखा । 1975 से 1971 का काल ऐसा आया था जबकि हमारे संविधान के साथ कुछ खिलवाड़ हुई थी लेकिन उस काल को छोड़ कर बाकी के समय मैं यह निवेदन करना चाहता हूं कि इस सदन में पं जवाहर लाल नेहरू से लेकर अटल बिहारी वाजपेयी जी तक जितने लोग, जितने नेता हमारे देश के हुए उन्होंने इस संविधान के अनुसार देश को चलाया और इस संविधान का पालन किया और हमारे देश की गरिमा को कायम रखा। मैं उनका ह्दय ये आभार और धन्यवाद व्यक्त करता हूं कि मनिषियों ने इस संविधान की रक्षा करते हुए देश के प्रजातंत्र को मजबूत बनाया। उपसभाध्यक्ष महोदय, मैं यह भी निवेदन करना चाहता हूं कि संविधान की जो पुस्तक है यह केवल पुस्तकालय की शोभा बढ़ाने वाली पुस्तक नहीं हैं। यह सौ करोड़ लोगों के भाग्य से बंधा हुआ है, यह देश के सौ करोड़ लोगों के भग्य का निर्माण करने वाला और उसके मार्ग प्रशस्त करने वाला विधान हैं।

यह विधान हमने अपने लिए स्वयं स्वीकृत करके बनाया हैं। इसलिए आज 50 साल बीतन के बाद भी हमें अपने इस संविधान पर गर्व हैं, स्वाभिमान हैं। अगर हम दुनिया में अपने आस-पड़ोस के देशों को देखते हैं, जिन्होंने प्रजातंत्र को तिलाजंलि दे दी, लोकतंत्र का भूल गए और अनेक प्रकार के संकटों के आने के बाद उन्होंने अनेक प्रकार कीशासन –व्यवस्थाओं को स्थापित कर लिया, आज उन देशों में डिक्टेटरशिप हैं, कहीं पर और कुछ लागू नहीं हैं। लेकिन भारत आज स्वाभिमान के साथे एक स्वतंत्र और प्रजातांत्रिक, लोकतांत्रिक राष्ट्र के रूप में खड़ा हैं। यह हमारे लिए, सबके लिए शोभा की बात है और हम सबकसे लिए प्रसन्नता की बात हैं।

महोदय, मैं यह निवेदन करना चाहता हूं। आज मैंने जो विषय लिया है अब मैं उस पर आना चाहता हूं। हमने अपनं संविधान को अब तक 78 बार संशांधित किया हैं, हमने 78 बार उसमें संशोधन स्थापित किए हैं। यह बात ठीक है और नितांत आवश्यक भी है कि हमारा संविधान गतिशील हो। हमारा संविधान ऐसा बने जो हमेशा ताजा बना रहे। उसके अन्दर हमेशा परिवर्तन की गुंजाइश रहे, उसमें नई चीज समाहित करने का और स्कोप रहे। यह बात आवश्यक है और इसी नाते से हम यह बात कह सकते हैं कि हमारे संविधान में लचीलापन मैंने यह संकप्ल आज आपके सामने प्रस्तुत किया हैं इस सदन में प्रस्तुत किया हैं। मैं माननीय सांसद फेलोरियोजी से निवेदन करना चाहता हूं कि आपने जो इसमें संशोधन रखा हैं, मैं आपके संशोधन का सम्मान करता हूं और मैं आपको ययह विश्वास दिलाना चाहता हूं कि मेरे इस प्रस्ताव में कहीं पर भी इस बात की चर्चा नहीं है कि हम प्रियम्बल को या हमारे कांस्टीटयूशन के बेसिक स्ट्रक्चर को किसी प्रकार से डेमेज करेंगे या उसमे परिवर्तन करेंगे। हमारे कांस्टीटयूशन का जो बेसिक स्ट्रक्चर हैं, उसको हमेन हमेशा माना हैं, स्वीकार किया हैं। यह बेसिक स्ट्रक्चर ही हमारी नींव है और बेसिक स्ट्रक्चर को हिलाने कास काम किसी भी सरकार को या किसी भी व्यक्ति को नहीं करना चाहिए। यह बात अलग हैं कि 1977 में इसी बेसिक स्ट्रक्चर में कुछ संशोधन किए गए थे,जो नहीं करने चाहिए थें 42 वें संविधान संशोधन के माध्यम से इसमें एक शब्द समाजवाद और पंथ –निरपेक्षता का जोड़ा गया था, उस समय इसके साथ छेड़ छाड़ की गई थी। यह जो सरकार वर्तमान में हैं इसके दिमाग में इस बात का ख्याल है कि वह प्रियम्बल में या उसके बेसिक स्ट्रक्चर में कोई ऐसा परिवर्तन नहीं करेगी जिससे हमारे लोकतंत्रीय ढांचे पर किसी प्रकार कमा आक्षेप आए या लोकतांत्रिक ढांचा किसी प्रकार से कमजोर हो। इसको कमजोर करने का दृष्टिकोण इस सरकार का नहीं हैं। मैं जो संकल्प प्रस्तुत कर रहा हूं, उसमें भी मैं कहीं परी इस बात की मांग नहीं कर रहा हूं कि हमारे बेसिक स्ट्रक्चर में कोई कमजोरी पैदा की जाए, बल्कि मैं तो इस सदन में यह निवेदन करना चाहता हूं कि हमारे संविधान का जो बेसिक स्ट्रक्चर है उसको और अधिक मजबूत करें। हम जनता की उन भावनाओं को इसमें समाहित करें जो उनकी अपेक्षा के अनुकूल हैं। आज हम इसलिए गोरव अनुभव कर रहे हैं कि संविधान पिछले संविधान सभा के सदस्यों ने, मनीषियों ने ऐसा संविधान हमें दिया जिससे हमारा प्रजातंत्र कायम रहा है।

उपसभाध्यक्ष महोदय, मैं आज इस सांसद बंधुओं से, महानुभावों से इस सदन में यह निवेदन करना चाहता हूं कि आप भी इस संविधान को इस प्रकार से परिवर्तित संशोधित करें कि आने वाले 50 साल के बाद हमारी जो पीढ़ी आएगी वह यह कह

सके कि 1999 के अंत में इस सदन में ऐसे मनीषी लोग थे जिन्होंने इस संविधान को और भी अधिक संपुष्ट किया और भी अधिक बलिष्ठ किया और भी अधिक ताकत देरि प्रजातंत्र का रास्ता बनाया और उसकी बुनियादी आगे बढ़ाई। यह हमारे लिए गौरव की बात हैं। शायद हममें में से बहुत लोग 50 साल बाद नहीं रहेंगे, सलीम साहब, आप तो रह सकते हैं, हम लोग तो नहीं रहेंगे। लेकिन आपका नाम पुस्तकों में लिखा जाएगा कि आपने अपने संविधान को इस ढंग से प्रस्तुत किया।

उपसभाध्यक्ष महोदय, संविधान का रिव्यु करने के बारे में कुछ चर्चा इस देश में हो रही हैं। हमारे माननीय प्रणव मुखर्जी जी यहां पर बैठे हैं। उन्होंने जो लेख लिखे हैं, उनमे से दो –तीन लेख मैंने बड़े ध्यान सेक पढ़े हैं। इसी प्रकार से अन्य कई महानुभावों ने अपने लेखों के माध्यम से, मीडिया के माध्यम से संविधान के बारे में अपने उच्च विचार प्रस्तुत किए हैं। एक बहस इस देश मे आरंम्भ हुई है और यह बहस होना उचित हैं। उसससी में से मंथन होकर अच्छे विचार आएंगे और संविधान को अच्छा बनाने के लिए कोई मार्ग प्रशस्त होगा। इसलिए मैं इस बहस को आरंभ करना चाहता हूं अपने सांसद मित्रों के बीच में ताकि हम इस बारे में विचार करें। लेकिन विचार करने के समय जब संविधान में संशोधन की बात आती हैं तो कुछ लोगों के मन में शंकाए होती हैं। आडवाणी जी ने होम टी.वी.चैनल में एक वक्तव्य दिया था कि हम संविधान संशोधन करने कक लिए एक कमीशन बनाना चाहेंगे, सी.आर.सी. बनाएंगे। जैसे बही उन्होंने वक्तव्य दिया, लोगों ने पूछा कि इस मंतव्य के पीछे क्या भावना हैं? अब मंतव्य के पीछे की भावना तो ऐसी ही है जैस कि गाना है कि "पीछे क्या है"? यह तो कोई बात नहीं हैं कि हमारे मन में क्या हैं? यह आप भी जानते हैं कि हम भी इसी राष्ट्र की मिट्टी से बनकर पले हैं और इस राष्ट्र के सम्मान को हम हर हालत में सुरक्षित रखेंगे, इसलिए कोई शंका करने की आवश्यकता नहीं हैं। हम संविधान के उन सारे मूल मंत्रों से बंधे हैं जो समाज के लिए, राष्ट्र के लिए आवश्यक हैं इसलिए कोई शंका करने की आवश्यकता नहीं है और इन्हीं बातों के साथ मैं यह निवेदन करना चाहता हूं कि जब संविधान बनाया गया था, उस समय के लोग कुछ अलग थे। आप भी इस बात को स्वीकार करेंगे कि आज मैं और आप भी मैं आपकी बात नहीं कहता हूं, मैं अपनी बात कहता हूं कि मैं आज उनके स्तर का राजनीतिज्ञ नहीं हूं। जो उस समय का ऐलीमेंट था, जिस प्रकार के लोग उस समस हमारे समाज में थे, उनकी भावनाएं, उनके चरित्र उनके आदर्श, उनके विचार किस प्रकार के थे, आज उसकी तुलना करना बड़ा कठिन हैं उपसभाध्यक्ष महोदय, इसलिए मैं कहना चाहता हूं कि जो विचार उन्होंने व्यक्त किए थे उस समय में और आज के समय में बहुत परिवर्तन हो गया हैं। राजनीतिक ढांचा भी बदलता जा रहा हैं। आज राजनीतिक

विचार भी बदलते जा रहे है, सोच बदलती जा रही हैं, परिस्थितियां बदलती जा रही हैं। समय बदल गया है औरकई प्रकार से कानूनों की तिकड़मबाज़ी लगा कर उसके रास्ते निकाले जाते हैं। इसलिए उस समय और आज के समय में अंतर आ गया हैं। उस समय हमारे संविधान के निर्माताओं ने ऐसा कभी नहीं सोचा होगा कि केंद्र में कोई सरकार बनेगी जिसमें 18 दल होंगे। केंद्र में कोई दूसरी सरकार बनेगी जिसमें 20 दल होगें, केंद्र मे कोई ऐसी सरकार बनेगी जिसमे 24 पार्टियां होंगी। हमारे संविधान निर्माताओं ने यह कल्पना नहीं की थी। यह विचार उनके दिमाग में नहीं आया था यह स्थिति बन गई है बकि आज अगर रीजनल पार्टीज़ सेंट्रल गवर्नमेंट से सहयो करके, सेंट्रल गवर्नमेंट के प्रशासन में शमिल होकर अपना योगदान करना चाहती हैं तो हमारे संविधान को उसी प्रकार के ढांचे के साथ से संशोधित करना पड़ेगा ताकि उनका भी रोल महत्वपूर्ण बने राष्ट्र के काम के लिए, राष्ट्रे महत्व के लिए, राष्ट्र की मज़बूती के लिए। इसलिए आवश्यक हो जाता है कि विचार बदले जाएं।

महोदय, साथ ही यह भी निवेदन करना चाहता हूं कि उस समय की परिस्थितियां क्या थीं? माननीय श्री प्रणव मुखर्जी ने लिखा हैं, मैंने पढ़ा और मुझे बड़ा आश्चर्य हुआ क्योंकि मैं तो उस समय बहुत छोटा था जब संविधान सभा बन रही थी। उन्होंने लिखा है कि जब संविधान बनाश गया था, उस वर्ष 1948-49 में भारतवर्ष केन्द्र सरकार का बजट केवल 223 करोड़ रूपए का था और आज आप 1998-99 में है तो आज देश का बजट 2 लाख 64 करोड़ रूपए का हैं। ... (**व्यवधान**) ...

श्री रमा शंकर कौशिक (उत्तर प्रदेश) **:** पैसा उस समय ज्यादा कीमती था। उसकी कीमत ज्यादा थी ।

श्री रामदास अग्रवाल : जो भी था लेकिन आज के इस मैग्निफाइड रूप में ... अच्छा, वह तो छोड। दीजिए। उस समय पैंतीस करोड़ लोग थे और आज हम सौ करोड़ हैं। परिस्थितियां कितनी बदल गई हैं? और जब परिस्थितियां बदल गई हैं तो सौ करोड़ होने का जिम्मा, मान लिया विकास नही हुआ, मान लिया सारी कमज़ोरियां रह गई लेकिन ये जो पैंतीस करोड़ से सौ करोड़ हो गए, इसको रोकने के लिए तो हम जिम्मेदार थे। हम चाहते तो रोक सकते थे। मैं सदन के सामने प्रश्न प्रस्तुत करना चाहता हूं उपसभाध्यक्ष महोदय कि कल्पना करिए, ज़रा विचार करिए कि अगर यह देश पैंतीस करोड़ से सौ करोड़ होने के बजाय आज 1998-99 या 1999-2000 में, नई कल्पना कीजिए, यह कल्पना का विषय हैं। मैं कोई तार्किक विषय नहीं देना चाहता हूं लकिन आप अंदाज करें। आप सब तथ्य जानते हैं। आज अगर देश में गरीब हैं तो 40 लेकिन आप अंदाज करें। आप सब तथ्य जानते हैं आज अगर देश में गरीब हैं तो 40

करोड़ हैं और देश में बेकार हैं तो 10 करोड़ हैं। देश के अंदर अगर भुखमरी हैं, गरीबी हैं तो इसमें दस-बीस करोड़ लोगों की संख या आती हैं, अगर चालीस से साठ करोड़ की संख्या होती तो मेरा मानना है कि इस देश में कोई गरीब नहीं हाकता, कोई भूखा नहीं होता और कोई बेकार नहीं होता। यह देश समुन्नत राष्ट्रों की संख्या में जाकर खड़ा हो जाता, लेकिन चूक गए। अब जब "चिड़िया चुग गई खेत तो क्या कर सकते हैं? इस बढ़ती जनसंख्या में हम सब सहयोगी हैं। हमारे एक मुख्य मंत्री भी इसमें सहयोगी हैं? जब संख्या बढ़ गई, अब जब बढ़ती चली जा रही है तोक इसकाक रोकने का कोई उपाय तो करना पड़ेगा। दुनिया ने इसको रोका हैं। जिस देश के बारे में अधिक जानते हैं , चीन ने इसको नियंत्रित किया हैं, कानून बनाएं हैं। चीन ने इस प्रकार ....

उपसभाध्यक्ष (**श्री टी.एन. चतुर्वेदी**) : आप मेरी तरफ मुखातिब रहिए।

श्री रामदास अग्रवाल (पश्चिमी बंगाल) **:** मेरा उनसे कोई झगड़ा नहीं हैं। मैं कोई कुदृष्टि से नहीं देख रहा हूं, अच्छी दृष्टि से उनकी तरफ देख रहा हूं।

श्री मोहम्मद सलीम : जिन चार राज्यों में यह जनसंख या वाद्धि हुई हैं वें हैं, बिहार, राजस्थान, मध्यप्रदेश और उत्तर प्रदेश। इनमें राजस्थान एक प्रदेश हैं जिसमें से ये आते हें। वहां यह वृद्धि क्यों हुई, इस पवर रौशनी डालें।

उपसभाध्यक्ष (**श्री टी.एन. चतुर्वेदी**) : यह चीन की बात हैं।

श्री रामदास अग्रवाल : महोदय, संख्या किसने बढ़ाई यह बहस का विषय नहीं है। यह सत्य है कि यह बढ़ गई। इसमें आप जिम्मेदार हैं या नहीं मैं हूं, अब इसकी ज्यादा पोल खोलने की आवश्यकता नहीं हैं। क्योंकि संख्या बढ़ गई है इसलिए आज देश किनारे पर आ गया हैं। हमें यह निर्णय रना चाहिए कि संविधान संशोधन के माध्यम से हम अपने देश की जनसंख या उसी प्रकार नियंत्रित करें जैसे कई राष्ट्रों ने की हें। ताकि हम अपने देश में किसी को गरीब न रख सकें, कोई आदमी भ्झूखा न सोए। ऐसी स्थिति हमें पैदा करनी पड़ेगी कि हम अपने राष्ट्र का ऐसया निर्माण कर सकें। कम से कम आने वाली सहस्त्रब्दि में तो हम गरीब देश के नाम से न जाने जाएं। इसीलिए महोदय, आपके माध्यम से मैं सदन के सामने यह रखना चाहता हूं। एक निवेदन मैंने जनसंख्या के बारे मं किया और दूसरा निवेदन मैं यह करना चाहता हूं कि कभी हमारे संविधान निर्माताओं ने कभी यह कल्पना भी नहीं की थी हमारे देश में एक वोट से चलती हुई सरकार गिर जाएगी। अरे भाई, तुम मुख्य मंत्री गन गएए और अब केन्द्र में आकर सरकार को गिराना चाहते हो तो

क्या इस बारे में कोई नियंत्रण करना आवश्यक नहीं हैं। एक वोट के कारण सरकार गिरने से फायदा हमको हुआ और नुकसान आपको हो गया ऐसा मैं मानता हूं। आप नुकसान उठाने वाली पार्टी हैं और हम फायदा उठाने वाले हैं। लेकिन फायदे-नुकसान का सवाल नहीं हैं, मेरा निवेदन है संविधान में ऐसी व्यवस्था होनी चाहिए जिससे इस प्रकार की घटना जो हमारे देश में हुई हैं, वह रूक सकें। यह ऐ वोट ऐसा हो गया जो दल-बदल के कारण हो गया। एक वोट ऐसा भी हुआ, एक मुख्य मंत्री का मान, लीजिए वह सासंद थे। लेंकिन एक व्यक्ति ऐसे भी आए जो बहुत ऊपर से आते हैं और आकर लोक सभा में बैठे थे, किसी पार्टी के सदस्य थे । वे तीन मेम्बर्स थे, एक आदमी चला गया, डिफेक्शन लॉ लागू नहीं होता। वे वोट दे गए एएक वोट से वे भी चले गए।

श्री रमा शंकर कौशिक : कितने वोट से जीतना चाहिए?

श्री रामदास अग्रवाल : मैं यह नहीं कह रहा हूं। सरकार गिरेगी बहुमत के आधार पर। लेकिन मैं निवेदन करना चाहता हूं कि जो हमने दल-बदल का कानून बनाया वह आज की तारीख में इतना कमजोर हो गया है कि उसने अपनी रेलेवेन्स खो दी, उसने अपना महत्व खो दिया हैं। इसी कारण आज देश में जगह-जगह पर सरकारें बनती हैं, बिगड़ती हैं और चुनाव होते हैं। हमारे संविधपन निर्माताओं कने ऐसा नहीं सोचा था। कि हमारी आने वाली पीढ़ी के लोग हर दूसरे सान लोक सभा का चुनाव करा देंगे। अगर आज हिसाब लगाकर देखा जाए तो पचास साल हुए हैं। हमें आजाद हुए, दसवीं लोक सभा चलनी चाहिए थी लेकिन आज तेरहवीं लोक सभा चल रही हैं। क्यों चल रही हैं, क्योंकि हमें लोक सभा को ताश के पत्तों की तरह ढहाने का शौक हो गया हैं। हम जरा जरा सी बात पर लोक सभा को तोड़ देते हैं और चुनाव में चले जाते हैं। महोदय, प्रजातंत्र के लिए मैं निवेदन करना चाहता हूं कि इस सदन में बार-बार चुनाव होना प्रजातंत्र की जड़ापें को खोखला करने वाला काम हैं। इसको नहीं किया जाना चाहिए। इसीलिए संशोधन की आवश्यकता पड़ती है कि पार्लियामेंट का समय निश्चित हो। पार्लियामेंट निश्चित समय तक काम करेगी। सांसद आपस में मिलकर फैसला करते रहें किंतु संसद भंग नहीं होगी। चचुनाव नहीं कराए जाएंगे,हर पांचवे साल चुनाव कराए जाएंगे, यह चर्चा देश में चल रही हैं। मैं इसलिए निवेदन कर रहा हूं क्योंकि हमारे देश के मनीषियों ने ऐसी कल्पनाएं नहीं की होंगी कि हमारे चुनाव के अंदर धन, बल और बाहुबल का इतना प्रभाव हो जाएगा कि हर आदमी, जो चुनाव लड़ना चाहता हैं हर भला आदमी वह चुनाव नहीं लड़ पाएगा और जीतकर नहीं आ पाएगा। हमारे इसी सदन में हमारे माननीय सांसदों ने, जिन्होंने चुनाव लड़ा हैं, बड़े अच्छे हैं, श्रेष्ठ व्यक्ति हैं लेकिन

जीतकर नहीं आ पाते हैं, चुनाव नहीं लड़ पाते हैं क्योंकि वे इस बाहुबल का सामना नहीं कर सकते धन-बल का सामना नहीं की सकते। मैं भी उनमें से एक हूं। मैं दूसरों पर आक्षेप नहीं कर रहा हूं। ऐसे लोग भी हैं जो चुनाव लड़ना चाहते हैं, मजबूर होते हों यह और बात है लेकिन उनके लिए आज चुनाव लड़ना आसान नहीं है। अगर प्रजातंत्र को सुरक्षित रखना है तो क्या हमें अपने बेसिक चुनाव के मुद्दे को, अपनी व्यवस्था को ठीक करने का संकल्प नहीं लेना चाहिए। क्या आने वाले समय में इस प्रकार के चुनाव होंगे जिसमें और एलिमेंट जीतकर आ जाएंगे जो सदन की गरिमा के अनुकूल नहीं होगा। वे जीतकर आते हैं, वे हमारे माननीय सांसद हैं लेकिन मैं जानता हूं कि उसके पीछे क्या हैं, हम उनकास इतिहास जानते हैं। लेकिन हम फिर भी उनको माननीय सदस्य कहेंगे कयोंकि यह हमारी मजबूरी हैं, हमारी श्रेष्ठता है, हमारे संविधान की आवश्यकता है बकि उनको माननीय सांसद कहना पड़ता हैं। उपसभाध्यक्ष महोदय, यह व्यवस्था ठीक नहीं हैं। इसे ठीक करना पड़ेगा। जब तक व्यवस्था ठीक नहीं होगी चुनाव का संचालन ठीक प्रकार से नहीं होगा। मैं इसलिए कहना चाहता हूं कि हमारे संविधान निर्माताओं ने इन सारी चीजों की कल्पना नहीं की थी। बहुत सारे विषय हैं यदि उन पर जाउंगा तो समय लग जाएगा, और भी माननीय सांसद बोलने के लिए हैं लेकिन मैं कुछ बातें कहना चाहता हूं। देश के प्रधानमंत्री होता हैं। प्रधानमंत्री परमानेंट रहे, यह मैं नहीं कह रहा हूं लेकिन प्रधानमंत्री को फटे कुर्त्ते की तरह बदल देते हैं। चंद्रशेखर जी को हटा दिया, चरणसिंह जी को हटा दिया, इनको हटा दिया, उनको हटा दिया, इसके बाद हटते रहेंगें। आपने प्रधानमंत्री तो बना दिया किंतु उनको काम करने का मौका तो दो। आप अपने स्वार्थों के लिए, मुझे प्रधानमंत्री बनना हैं, मैं 85 साल का हो गया हूं, मुझे प्रधानमंत्री बनने का मौका मिलना चाहिए, सरकार गिरा दो, मैं 53 साल को हो गया हूं मुझे प्रधानमंत्री बनने की जल्दी है सरकार गिरा देना चाहिए। यह कोई बात नहीं होती। यह सरकार चलनी चाहिजए, सरकार का स्थायित्व होना चाहिए, देश का निर्माण हमें करना है, यह भावना हम स्थिर सरकार चाहते हैं, अपने संविधान में इस प्रकार की व्यवस्था करें, हम सरकार स्थिर बनाएं, एक सरकार चलेगी, एक लोकसभा चलेगी। एक प्रधानमंत्री चले, एक साल चले, दो साल चले। इंटरनल पोलिटिकल मामला हो सकता हैं लेकिन हम कम से कम सरकार के स्वरूप का स्थिर बनाएं, यह आवश्यक होगा। अगर स्थायी सरकार नहीं बनेगी, अस्थायी सरकार रहेगी तो देश की तरक्की कैसे होगी? संविधान कैसे पुष्ट होगा? कैसे मजबूत होगा, हम यह जानना चाहते हैं। यह चर्चा जब आपके सामने आएगी, सब लोग अपने विचार रखेंगे तो विचार करते-करते हम किसी निर्णय पर भी पहुंच पाएंगे।

उपसभाध्यक्ष महोदय, एक बात और कहना चाहता हूं। हमारे संविधान निर्माताओं ने त्रिशंकु सरकार की कल्पना नहीं की होगी, त्रिशंकु लोकसभा की कल्पना नहीं की होगी। आजकल त्रिशंकु लोकसभा देश में हैं। इसका कोई समाधान ढूढंना पड़ेगा कि अगर त्रिशंकु लोकसभा होती है तो क्या करेंगे? राष्ट्रपति जी क्या करेंगे? अगर राष्ट्रपतिध जी के सामने बर्डन आ जाता है, राष्ट्रपति जी के सामने निर्णय लेने की घड़ी आ जाती हैं और इस देश में राष्ट्रपति , जो देश के सर्वोच्च व्यक्ति होते हैं, सर्वोच्च मासनरूता प्राप्त व्यक्ति होते हैं, उनके सामने जब धर्मसंकट आता हैं, इस प्रकार के संकट पैदा होते हैं तो वे भी विवाद का विषय बन जाते हैं। उपसभाध्यक्ष महोदय, राष्ट्रपति जी यदि विवाद का विषय बनें तो क्या देश के लिए सम्मान की बात होगी? क्या हमें इसके लिए कोई रास्ता नहीं ढूढंना पड़ेगा? ये बातें नई नहीं हैं। हम अपने 50 साल के अनुभवों से सीख चुके हैं, हमेन अनुभव कर लिया हैं, हमने आज तक कैसे इस प्रकार से सयामना किया हैं, किस प्रकार के अनुभवों से हम निकले हैं, किस प्रकार से हम इन समस्याओं का सामना कर सकते हैं? क्या यहए ढूंढने की क्षमता हमारे देश के राजनेताओं में नहीं हैं? ऐसा मैं नहीं मानता।

ऐसा मैं नहीं मानता हूं। मैं मानता हूं कि हमारे देश के राजनेताओं में आज भी इस बात कर क्षमता है कि वे देश के निर्माण के लिए एक अच्छा संविधान, अच्छी धाराएं दे सकते है, और देश आगे बढ़ सकता हैं। सवाल मने के संकल्प का है, सवाल मन में विचार उठने का हैं। मैं यह इसलिए कहना चाहता हूं कि आज हम सब लोगों के सामने एक दायित्व हैं, आप एल्डर हाउस के मेम्बर्स हैं, आप उच्चतर के मेम्बर हैं, आपके सामने और ज्यादा दायित्व है कि आप ऐसा संविधान बनाने के लिए पहल करें। संविधान बनाने की बात नहीं, मैं माफी चाहता हूं संविधान में इस प्रकार की धाराएं लाने का विचार करें जिससे हम आगे चलकर यह कह सकें कि हमारी राज्य सभा ने इस देश को एक ऐसा फिर महान संशोधन करके संविधान दिया हैं जिससे अगली शताब्दी चल सके... (**व्यवधान**) ...

उपसभाध्यक्ष (**श्री टी.एन.चतुर्वेदी**) : रामदास जी आप कहिए। मिस रिबैली, आपका तो नाम हैं।

श्री रामदास अग्रवाल : आप जब बोलें तो जरूर बोंलें। मैं आपसे निवेदन करना चाहता हूं कि आज पार्टियां बनती जा रही हैं। लोकतंत्र में पार्टियां बन सकती हैं। कोई उसको रोक नहीं सकता हैं। आज हिंदुस्तान में छोटी –बड़ी पार्टियां मिलाकर 600 हो गयी हैं और मैं समझता हूं कि एकाध दिन में शायद और कोई नयी पार्टी बनने वाली हैं, यू.पी.

केअंदर या और कहीं बनेगी। पार्टियां बनती जाएंगी। अब ये पार्टियां बनती जाएंगी तो संविधान का खंड-खंड होता चला जाएगा। संविधान सुरक्षित कैसे रहेगा। इन 600 पार्टियों के अगर 545 रिप्रेजेंटेटिक्स इस देश में आएंगे तो कौन किसकी टांग कहां खींचेगा इसका एक अंदाज आप करिए। उसका कोई निर्णय करिए। अगर कभी यह देश की स्थिति बन जाएगी तो आप क्या करने वाले हैं? उसका नियंत्रण करने के लिए कहीं तो कोई अपने आप पर सेल्फ जैसा कि आपने कहा,मुखर्जी साहब ने कि सबसे बढ़िया अनुशासन स्वयं पर लागू होता हैं स्वयं पर अनुशासन लागू करें और हम स्वयं पर अनुशासन लागू करके ऐसा निर्णय करें कि हम इस देश के अंदर ऐसी परिस्थिति पैदा नहीं होने देंगे जिसमें कि समाज खंडित हो जाए, संविधान खंडित हो जाए और देश के अंदर किसी प्रकार की अशांति या उपद्रव पैदा हो तो वह अस्थिर सरकार बनने के कारण, सुयोग्य और सक्षम सरकार न बनने के कारण हो...

श्री मोहम्मद सलीम : बैकवर्ड फारवर्ड की लड़ाई हो रही हैं।

उपसभाध्यक्ष (**श्री टी.एन. चतुर्वेदी**) 3 लेट हिम कंटीन्यू।

श्री रामदास अग्रवाल : छोड़िएए आप इस बात को।

उपसभाध्यक्ष महोदय, मैं एक बात की ओर आपका ध्यान आकर्षित करता हूं। आजकल कार्यपालिका, विधायिका और न्यायपालिका में कई प्रकार के कन्फलिक्ट्स पैदा हो रहे हैं। महोदय, यह दुर्भाग्यपूर्ण हैं। चाहे तो वह कार्यपालिका हो चाहे न्यायपालिका हों। जुडीशियल एक्टिविज्म हमने देखा हैं। आप सबने अनुभव किया हैं।ए किसका हाथ नहीं जला हैं उसमें? सबके हाथ जले हैं। उसके बाद भी अगर हम उस व्यवस्था को यसुचारू रूप नहीं देना चाहते हैं तो यह हमारी कमी होगी। उस कानून की कमी नहीं हैं। उस संविधान में जो लिखा है उसके मुताबिक सब कुछ कोई करेगा। लेकिन आप उस संविधान को बनाने का प्रयास कर सकते हैं।ए यह अधिकार आपके पास हैं। आप कर सकते हैं और आपको करना चाहिए ताकि ऐसा विधान बने कि जिसमें जुडीशियरी अपना काम करे, एक्जीक्यूटिव अपना काम करे और लेजिस्लेचर अपना काम करे। इन तीनों के अपने-अपने क्षेत्र हैं। इनतीनों के अपने-अपने काम करने के दायरे हैं, सीमाएं हैं। उन सीमाओं में रहकर इन तीनों में सांमजस्य बनाने के लिए कोई व्यवस्था बैठानी पड़ेगी ताकि टकराव टाला जा सकें। यदि टकराव होगा तो ऐ दिन उसका नुकसान संविधान समेत इस पूरे देश का होगा। इसलिए मैं निवेदन करना चाहता हूं कि अपने सदन में हमें कोई न कोइग व्यवस्था इस प्रकार की लागू करनी पड़ेगी ताकि हम ऐसे ढंग से चल सकें कि तीनों ये जो हमारे पिलर्स हैं उनमें कोई टकराव का कारण न हो।

महोदय,दूसरा एक महत्वपूर्ण विषय और हैं। सरकारिया कमीशन बना था। राज्य और केन्द्र के संबंधों के बारे में बहुत बड़ी-बड़ी चर्चाएं उसमें की गयीं। सिफारिशें भी की गयीं। लेकिन लागू कितनी हुई ? यह मैं चर्चा का विषय नहीं बनाना चाहता हूं। लेकिन मैं यह निवेदन करना चाहता हूं कि केन्द्र और राज्यों के संबंधों में मधुरता रहना आवश्यक हैं। उनमें सामंजस्य और समन्वय रहना आवश्यक हैं। यदि कभी इस प्रकार की कोई परिस्थिति बन जाती है तो पुराने इतिहास के पन्ने नलटकर देख लीजिए, जब कभी किसी प्रांत ने किसी प्रकार से गड़बड़ी की होगी, हमारे देश में गुलामी अगर आई होगी तो उस प्रोंत के विद्रोह के कारण आई होगी। हम यह पिछले इतिहास में भुगत चुके हैं। हमेन गुलामी के सैंकड़ों सान इसलिए गुजारे थे कि हमारे प्रांतों से हमारे देश की एकता स्थापित नहीं हो पाई थीं। महोदय, मैं आज कोर्ठ वार्निंग नहीं दे रहा हूं, उनको दूरदष्टि रखनी होगी, आगे की बात सोचनी होगी। ऐसी परिस्थिति से बचने के लिए विचार करना पड़ेगा। इसलिए ऐसा विचार बनाना चाहिए कि हमारे राज्यों और केन्द्र के संबंध में मधुर बने रहें , उनमें कटुता पैदा न हो, उनको अपने आप बढ़ने का मौका मिले। महोदय, मैं धारा की स्वायत्ताता की बात नहीं कर रहा हूं, लेकिन मैं इस बात की वकालत करने जा रहा हूं, कि राज्यों काक विकसित होने के लिए उन्हें उन के अधिकार दिए जाने चाहिए। मैं धारा -370 के आधार पर दिए गए अधिकारों की बात नहीं कर रहा हूं। मैं तो यह बात रखना चाहता हूं कि वह अपना रास्ता केन्द्र के सहयोग और मार्गदर्शन से खुद बना सकें। इसलिए केन्द्र और राज्यों के संबंध में बहुत महत्वपूर्ण हैं। इसलिए इस बात पर भी चर्चा की जानी चाहिए कि हम किस प्रकार से उन्हें ठीक कर सकते हैं।

महोदय, मैं भ्रष्टाचार की चर्चा क्या करूं क्योंकि भ्रष्टाचार की चर्चा करना आज लाभदायक बात नहीं हैं। ... (**व्यवधान**) ... महोदय, यह आरोपे कास सवाल नहीं हैं। आरोप आप मुझ पर लगाते हैं, मैं आप पर लगाता रहूं, मैं आप का मुह काला करता रहूं आप मेरा मुह काला करते रहें, इस तरह से देश चलने वाला नहीं हैं। देश तब चलेगा जब हम तयकरेंगे कि किसी का मुंह काला न किया जा सके, ऐसी व्यवस्था हम कायम करें जिस से हम पर कोई चार्ज नहीं लगा सकें। महोदय, हम ऐसी व्यवस्था क्यों नहीं बना सकतें? क्यों नहीं हम अपाने मन में संकल्प लेते हैं कि हम ऐसी व्यवस्था बनाकर जाएंगे कि देशमें भ्रष्टाचार करने वाले व्यक्ति को कड़ी-स-कड़ी सजा दी जा सके। महोदय, इसमें जैसे कि मैंने कहा सेल्फ-इम्पोजीशन की बात आती हैं। हम दूरदर्शिता के साथ, क्षमता के साथ निर्णय करें और संकल्पबद्ध होकर निर्णय करें कि हम इस देश से भ्रष्टाचार को जड़-मूल

से समाप्त कर देंगे। क्या संसद चाहेगी तो भ्रष्टाचार समाप्त नहीं हो सकता? अगर संसद नहीं कर सकती तो क्या कोई डिक्टेटर आकर करेगा? यह तो आप को ही करना पड़ेगा। आज नहीं करेंगे तो कल करना पड़ेगा और इसे आप कल पर मत टालिए। निर्णय करिए और ऐसी व्सव्सथा बनाइए कि भ्रष्टाचार को रोका जा सके। अगर हम कर सकते हैं तो बहुत अच्छा होगा और अगर नहीं करेंगे तो आने वाली पीढ़ियां आप का बहुत-बहुत शुक्रिया अदा करेंगी कि उन के पास इतना पैसा था, उस नेता के पास इतनी गाड़ियां थीं, उस के पास इतने बंगलें थे। वह सिर्फ यही चर्चा करेंगे और फिर अपने ऊपर रोएंगे कि हमारे पास तो चलने को साईकिल भी नहीं हैं और मेरे पास खाने को रोटी भी नहीं हैं। महोदय, आज एक ऐसया केस भी सुनने को मिला कि नेता के यहां चोरी हुई तब भी कुछ नहीं मिला। ऐसे नेता बहुत कम होते हैं।ए पहले इनकम टैक्स वालों ने छापा मारा तो करोड़ों रूपए लेकर आए ... (**व्यवधान**)... महोदय, मैं किसी पार्टी की बात नहीं कर रहा हूं। मैं यह कह रहा हूं कि आप अपने संविधान को इस प्रकार से बनाएं कि आने वाली पीढ़ी इतिहास के पन्नें को देखकर आप को याद कर सके। मैं आपसे उसके लिए निवेदन कर रहा हूं। मैं किसी सुखराम और रमदास की बात नहीं कर रहा हूं। ... (**व्यवधान**) ...

उपसभाध्यक्ष (**श्री टी.एन. चतुर्वेदी**) : रामदास जी, आप इधर देखकर अपनी बात कहिए। सलीम साहब से बाद में बात कर लीजिए।

श्री रामदास अग्रवाल : महोदय, मैं आप के सम्मुख दो-तीन कोटेशंस रखना चाहता हूं और सिर्फ 5-7 मिनिट में समाप्त कर दूंगा। महोदय, संविधान को संशोधित करने के संबंध में कइ्र बार यह शंका होती हैं कि यह नहीं करना चाहिए। विचार आता हैं। कि यह करना ठीक नहीं होगा, संविधान के ढांचे में परिवर्तन करना ठीक नहीं होगा, लेकिन मैं यहां केवल पंतिडत जवाहर लाल नेहरू जी का एक कोटेशन आप के सामने पढ़नाप चाहता हूं। वह हमारे देश के प्रथम प्रधान मंत्री थे और इस बारे में उन की क्या सोच थी। जो आज भी उतना ही रेलीवेण्ट हैं, आज भी उतना ही महत्वपूर्ण हैं। यह बात मैं आपके सामने रखना चाहता हूँ।

> "Speaking on the Constituent Assembly set up under the Cabinet Mission Plan, Jawaharlal Nehru had said: 'In future we may have to summon our own revolutionary Constitutent Assembly'. And that the Constitution that was being framed was 'not final' and could not 'bind down' the succeeding generations. As 'society changes, as conditions change', the Constitution must change to keep abreast."

These were his words.

महोदय, इसके बाद मैं नहीं समझता कि हमारे कांग्रेस के बंधु इसके बारे में और कोई जयादा कहना चाहेंगे कि कांस्टरटयूशन को बदलना चाहिए या नहीं बदलना चाहिए। हां, यद्यपि यह बात मैं जरूर यहां कह सकता हूँ कि जब माननीय एल.के. आडवाणी जी ने कहा था।

उपसभाध्यक्ष (**श्री टी.एन. चतुर्वेदी**) : अब आप समाप्त करिए।

श्री रामदास अग्रवाल : सर, मैं कोट कर रहा हूँ। संविधान को संशोधित करने के लिए या परिवर्तित करने के लिए या परिष्कृत करने के लिए या अप्रेजल करने के लिए या रिव्यू करने के लिए जो भी शब्द आप कहें, उसके लिए जब उन्होंने कहा तो हमारी कांग्रेस की आज की विपक्ष की नेता श्रीमती सोनिया गांधी जी ने जो कहा, जो अखबार में छपा हैं, वह मैं आपके सामने पढ़ना चाहता हूँ। इन दिनों मुझे बहुत सारा अध्ययन करने का मौका मिला। मुझे लगता हैं, उन्होंने भी इस विषय को ठीक प्रकार से शायद नहीं समझा, अपने मन-मस्तिष्क में नहीं उतारा हैं। जब वह इस पर गंभीरता से विचार करेंगे तो वह भी इस निष्कर्ष पर पहुंचेंगे कि विषय ठीक हैं और इस पर विचार किया जाना चाहिए।

महोदय, यह बात अलग है कि मैं एक और विषय आखिर में उठाना चाहता था और इसे इसलिए आखिर में लाना चाहता था कि शायद मेरे अन्य मित्रों को पसंद नहीं आएगा क्योंकि यह विवाद का विषय हैं, लेकिन यह विषय हैं जरूर।

उपसभाध्यक्ष (**श्री टी.एन.चतुर्वेदी**) : जो सदस्य यहां का नहीं हो, ऐसा कोई नाम आप मत लीजिए।

श्री रामदास अग्रवाल : सर, मैं कोट कर रहा हूँ, जो उन्होंने अखबार में कहा हैं। ... (**व्यवधान**) ...

श्री संतोष बागड़ोदिया (राजस्थान) : यह भी शौक पूरा कर लेने दीजिए। ... (**व्यवधान**) ...

उपसभाध्यक्ष (**श्री0टी0एन0 चतुर्वेदी**) : रामदास जी, आप अपना भाषण जारी रखिए। आपको जल्दी समाप्त करना हैं क्योंकि बहुत से सदस्यों ने इस प्रकार बोलना हैं।

श्री रामदास अग्रवाल : महोदय, इसको जाने दीजिए, कोई बात नहीं । लेकिन मैं एक बात और कहना चाहता हूं, जो आखिरी है और उसके बाद मैं कनैक्ल्यूड करूंगा।

महोदय एक विषय और हैं, जिसमें से मैं दो बातें आपके सामने रखना चाहता हूँ। पहली तो यह है कि हमारे विधान निर्माताओं ने यह बात नहीं सोची थह कि कभी ऐसा मौका इस देश में पचास साल बाद आएगा कि किसी को प्रधान मंत्री बनाने के लिए या अपनी पार्टी का नेता बनाने के लिए बाहर से किसी को आयात करना पड़ेगा। ऐसी स्थिति उन्होंने नहीं सोची थी और इसलिए उन्होंने उसके बारे में कोई प्रावधान नहीं रखा। देश के अंदर इसकी बहस चुनाव के समय शुरू हुई थी। उसके बाद क्या परिणाम हुए, यह बहस का विषय नहीं हैं, लेकिन यह एक ऐसा विषय है, जिस वर विचार करना पड़ेगा, संसद कसे विचार करनाप पड़ेगा कि क्या हम उच्चतम स्थानों पर ऐसे नागरिक को प्रतिष्ठित कर सकते हैं। जिसका जन्म इस देश मे न हुआ हों? यह बहस का विषय हो सकता हैं। मैं इसमें वेस्ट बंगाल के और असम के जो माननीय सदस्य हैं वह भी इस बात को स्वीकार करेंगे कि हम नेता विदेश से आयात करते हैं, यह तो एक बात हो सकती हैं और सबने इसको देखा, लेकिन हमने कभी यह नहीं सुना था कि मतदाता भी आयात होते हैं।

महरेदय, मतदाता भी आयात होते हैं। असम के अंदर इतने मतदाता बन गए हैं, जो बाहर से आए हुए हैं, दूसरे देश के उनागरिक हैं, जिनकी कोई सीमा नहीं हैं। आज असम से साठ सीटें और पश्चिमी बंगाल में दस सींटें एऐसी चुनकर आती हैं, जहां पर आयातित मतदाता हैं। इसको बहस का विषय आप लोगों ने पहले भी बनायाप था, हमने भी बनाया था, लेकिन मैं यह निवेदन इसलिए करना चाहता हूँ कि इस देश को चारागाह नहीं बनाया जा सकता। यहां पर इस देश में हरेक आदमी काक आकर बयसकर नागरिकता लेने का अधिकार नहीं दिया जा सकता। इस देश के अंदर हमारे पास खुद सौ करोड़ लोग हैं।, हम बाहर से फिर दो करोड़ और लोगों को आयात करेंगे तो कैसे अपने लोगों को पेट भरेंगे, कैसे हम देश को चलायेंगे। जब आवश्यकता पड़े आप आयात करिए, नागरिकों कों यहासं आयात करिए, नेताओं को आयात करिए, यह कैसे चलेगा? ... (**व्यवधान**) ...

उपसभाध्यक्ष (**श्री टी. एन. चतुर्वेदी**) : प्लीज़ कनक्ल्यूड करें।

श्री मोहम्मद सलीम : सर, इस तरह से वाइल्ड एलीगेशन नहीं लगाया जा सकता। मैं पूछना चाहता हूँ वह यह कहते हैं कि बंगाल से दस लोक सभा सांसद ऐसे आ रहे हैं चुनकर, जो बाहर से आए मतदाता से चुने जाते हैं।

उपसभाध्यक्ष (**श्री टी. एन. चतुर्वेदी**) : आप स्थिति स्पष्ट कर दीजिए अपनी बारी पर।

श्री मोहम्मद सलीम : नहीं, यह ऐसी बात हो रही हैं। आप पार्टी के एक रेस्पोन्सिबल लीडर है, आप कह रहे हैं। हो मिनिस्टरी, इलेक्शन कमीशन या जो वोटर लिस्ट बनाते हैं, कोई न कोईउ तो शामिल होगा। .... (**व्यवधान**) ...

श्री रामदास अग्रवाल : सर, मैं उनकी भावानाओं को चोट नहीं पहुंचाना चाहता था। ... (**व्यवधान**) ...

श्री मोहम्मद सलीम : आप जो कहते हैं, तो किशनगंज से जो चुनकर आए हैं, इस वक्त केन्द्रीय मंत्री हैं, वह बाहर क मतदाता से चुनकर आए हैं? यह कह रहे हैं आप?

श्री रामदास अग्रवाल : मैं आपकी भावनाओं को समझता हूं और इसलिए मैंनेक इस विषस को केवल टच किया हैं।

आखिर में, उपसभाध्यक्ष जी, मैं कहना चाहता हूं ... (**व्यवधान**) ...

श्री मोहम्मद सलीम : आपको बताना पड़ेगा कि कौन-कौन सीद सींटें हैं और किस सोर्स से आप बोल रहे हैं, कितने मतदाता बाहर से आते हैं?

उपसभाध्यक्ष (**श्री टी. एन. चतुर्वंदी**) : आपने ऐतराज़ बता दिया, आप स्पष्ट कर दीजिएगा।

श्री मोहम्मद सलीम वे चार्ज लगा रहे हैं। सर, यह एक सीरियसउ बात हैं, कल को असम की तरह वहां भी लोग ऐजिटेशन शुरू कर देंगे।

उपसभाध्यक्ष (**श्री टी. एन. चतुर्वेदी**) : उन्होंने अपना दृष्टिकोण दिया हैं, आपने ऐतराज कर दिया, अब बैठ जाइए।

श्री रामदास अग्रवाल : महोदय, मैं कन्क्लूड कर रहा हूं।

मैं अंत में यह निवेदन करना चाहता हूं कि हम बड़ी शालीनता से, गंभीरता से एकाग्र मन से और शुद्ध मन से, पार्टीबाज से ऊपर उठकर, रातजनीतिक उद्देश्यों की पूर्ति से ऊपर उठकर अपने संविधान के संशोधन के संबंध में एक ऐसा मेकेंनिज्मण बनाएं, चाहे वह कमीशन का रूप हो चाहे कांस्टीटयूएंट असेम्बली का रूप हो, जैसा भी हो, यह सरकार और बाकी के हमारे वरिष्ठ नेता मिलकर तय करें ताकि इस संविधान को हम आज की तारीख के मुताबिक बना सकें, आत की तारीख के अनुसासर आगे के भविष्य के निर्माण के लिए बना सकें और यदि हम इसमें चूक गए तो इसकी खमियाज़ा आने वाली नस्लो को भुगतना पड़ेगा।

अंत में मैं एक –दो योर पढ़ना चाहता हूं, मैं शेर बनाता नहीं हूं और न ही गाता हूं, लेकिन मैंनें एक शेर इस अवसर के उचित समझा, वह मैं आपके सामने निवेदन करना चाहता हूं :-

तारीख की आंखों ने वह दौर भी देख हैं

लम्हों ने ख़ता की थी, सदियों ने सज़ा पाई हैं।

हमारी गलती की सज़ा आने वाली पीढ़ियों को न मिले, यह हमको सोचना चाहिए। मैं एक योर और पढ़ना चाहता हमं :-

न समझोगे तो मिट जाओगे ऐ हिन्दोस्तां वालो,

तुम्हारी दास्तां तक न मिलेगी दास्तानों में।

इसलिए हम दास्तानों में याद रखें जाएं, इतिहास में हमारा नाम अमर हो, हम भी कुछ देश के लिए कर जाएं , इस भावना के साथ, इस विन्रम निवेदन के साथ मैं पुनः क्षमा-याचना करते हुए कहना चाहता हूं कि मैंउ किसी की भावनाओंए को ठेस नहीं पहुंचाना चाहता हूं, मैं तो केवल यह कहना चाहता हूं कि हमारा संविधान मज़बूत बने, संविधान हमारे देश का मार्गदर्शक बना रहे और हमारा प्रजातंत्र, लोकतंत्र मज़बूती से आगे बढ़े।

यह निवेदन करते हुए मैं अपनी बात समाप्त करता हूं और आपने जो मुझे बोलने का मौका दिया, उसके लिए आपको धन्यवाद देता हूं।

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Shri Eduardo Faleiro. *(Interruptions)*

SHRI DIPANKAR MUKHERJEE(West Bengal): How long is the House going to sit?

THE VICE-CHAIRMAN(SHRI T.N. CHATURVEDI): The House is going to sit up to 5.30. This is what the Chair has decided. Then we will take up the Bill. *(Interruptions)...*

SHRI MD. SALIM : Sir, you take the sense of the House. We will sit till the time allotted to the Private Members' Business is over. *(Interruptions)...*
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THE VICE-CHAIRMAN{SHRI T.N. CHATURVEDI): We will decide it later. *(Interruptions)...* We will cross the bridge when we reach it. *(Interruptions)...*

श्री दीपांकर मुखर्जी : 5:30 बजे तक हम चले जाएंगे, तो कौन डिसाइड करेगा साहब?

उपसभाध्यक्ष (**श्री टी. एन. चतुर्वेदी**) आपकी भावनाओं का भी ध्यान रखा जाएगा।

श्री दीपांकर मुखर्जी : मालूम होना चाहिए न कि कब तक हाऊस बैठेगा?

उपसभाध्यक्ष (**श्री टी. एन. चतुर्वेदी**) : वह सब देखेंगे, 5:30 तो होने दीजिए। ... (**व्यवधान**) ...

5:30 के बाद तय करेंगे, आप लोगों की जो इच्छा होगी। ... (**व्यवधान**) ...

SHRI EDUARDO FALEIRO (Goa) :Sir, I will take only a couple of minutes. I will not take more time. *(Interruptions)...*

श्री दीपांकर मुखर्जी : यह तो अभी डिसाइड करना चाहिए। हम चेल जाएंगे तब कैसे डिसाइड होगा कि क्या होगा, क्या नहीं होगा।

उपसभाध्यक्ष (**श्री टी. एन. चतुर्वेदी**) : अभी बहुत जल्दी हैं।

SHRI PRANAB MUKHERJEE (West Bengal) :Sir, the time allotted to Private Members' Business is sacrosanct. Therefore, whether we want to sit after that is over, is an issue for the House to decide at that time. Two-and-a-half hours must be given to Private Members' Business. That is sacrosanct. So, we have to sit up to 5.30 P.M.

SHRI EDUARDO FALEIRO : Mr. Vice-Chairman, I must express, at the outset, my appreciation for the very eloquent speech he made, with great sincerity. I also express my appreciation for the quotation from Shri Jawahar Lai Nehru. When those Benches quoted Jawahar Lai Nehru, it was like angels quoting scriptures, *(interruptions).* Sir, however eloquent it may be - the hon. Member may please correct me if I am wrong in my notes which I have brought here - there is not even a single ground that he has given for any single amendment of the Constitution. Forget about the review of the Constitution - ho ground in regard to Wen a single amendment. There have been so many Prime Ministers since Independence. There are also instances of fall of Government by one vote. I am fully with him. From 1947 to

4.00 P.M.

1990 we have had seven Prime Ministers in this country. We managed quite well. From 1990 up till now, during ten years - but 10 years is not yet complete - we already have had nine Prime Ministers - lasting for days, lasting for months. None of those nine Prime Ministers - the ninth Prime Minister is continuing - not the 9th Prime Minister but the 9th term of the Prime Minister - lasted for more than one year, except two i.e. Shri Narasimha Rao, who completed his full term; Mr. Vajpayee - just a little more than one year; and all the other? - less than one year. This is definitely a case of instability which creates problems - socio-economic problems - which in turn leads to major consequences for stability. Stability is linked with the unity and integrity of the country. All this is true. But that is happening in all the States. This is happening even in my own State. 1 have mentioned this in the House. But the hon. mover of the Resolution will agree that it does not call for any amendment, whatsoever, of the Constitution; what it calls for and what this House has been saying - we have had a Resolution here ~ is electoral reforms, on the basis of priority.We have had the Indrajit Gupta Committee on the subject. But it does not require any tinkering with the Constitution. It requires a change in the Representation of the People Act; that means, another legislation. The Indrajit Gupta Committee report is there; the Goswami Committee report is there; the Law Cmmission's report is there. All of them have made recommendations which must be implemented with a sense of urgency. I plead with the Government that in the next session, it should bring forward electoral reforms on these lines. Basically, in the context of defections, what will be very useful is, what all these Commissions, as far as I recall, have suggested. That is, to bring in, say, 25%, say 50%, of the seats under the List system, or, proportional representation, so that people are elected on the basis of the list of the party, according to the strength that the party gets in actual voting. They can be dropped by the party or maintained by the party. Once they leave the party, they are no more Members of Parliament or Members of State Legislatures. All this calls for electoral reforms and not for the amendment of the Constitution. And the hon. Member has mentioned about Centre-State relations; how the State can acquire more powers, etc. All this is music. But coming, as it does, from somebody belonging to the erstwhile Jan Sangh who were for a strong unitary Government, where the States must be kept under check, the Central Government must be made stronger and stronger, is music.

Surely, all this is music. But this is a thing which doe's not call for any amendment of the Constitution. Of course, he has mentioned, how the population has grown - amend the Constitution; how the Budget has become so big, what do we do - amend the Constitution. This is not the way. Our Constitution has been basically influenced by the British Constitution and the American Constitution. The British Constitution came four or five centuries ago. And there is not even a Constitution there. But there is a flourishing Parliamentary democracy there. The population has surely grown over the last five centuries and so has the Budget. In the case of America also, they went with a couple of ships, a few ships went there; say a hundred thousand people. But, surely, they are now in millions. Their growth of population has been more, in percentage terms, than in our case in the last fifty years. Their Budget has also gone up from whatever it was - nothing almost ~ some peas they used to sell or buy - to trillions of dollars. So, this does not require an amendment of the Constitution. America has a written Constitution. British does not even have a Constitution, and, therefore, the question of a review never arises. The Americans have a Constitution, and amendments to it have been carried out far, far less number of times than what we are doing. Why? It is because the Constitution is, what one may call, a social contract; it is an agreement of the people with the constituting authority. And, when you are reviewing the Constitution in the manner in which you suggest, without any limitation, then, you are really changing the whole structure of the country. That is something the House will not agree, in spite of your brilliant speech. One gets worried because the Sangh Parivar, from the very beginning, from day one to day last, has opposed the basic structure of this Constitution. That is why this is a matter of worry. When you say that we must review the Constitution without establishing the parameters...*(Interruptions)*

श्री रामदास अग्रवाल : सर, आपने जो बात कही है, पहली बात तोउ यह है कि मैंने जो विचार व्यक्त किए हैं वह जनसंघ के विचार नहीं हैं,भारतीय जनात पार्टी के पार्टी के विचार भी नहीं हैं। दूसरे संघ परिवार ने हिन्दुस्तान के कंस्टीटयूशन की सम्पूर्ण गरिमा के साथ उसकी पूजा की हैं। उसने कभी भी इस प्रकार की भावना व्यक्त नहीं की जिससे यह बात प्रगट हो कि नहीं संविधान के प्रति किसी के मन में पोइंट जीरो जीरो परसेंट भी कहीं ऐसी भावना हो कि वह उसका आदर नहीं करता। दूसरी बात यह है कि संघ परिवार को यहां लाने की आवश्यकता नहीं हैं, हम राजनीतिक आधार पर यहां चर्चा कर रहे हैं, संघ परिवार के उन प्रतिनिधियों को यहां कोई मौका भी नहीं मिलता बोलने का।ए आप

अपनी बात जिस ढंग से कह रहे हैं मैं इनको एप्रिसिएट करता हूं लेकिन संघ परिवार को लाने तथा अब जनसंघ भी चला गया, अब जनसंघ को भी लाने की जरूरत नहीं हैं। अब तो हम और आप हैं, बस उसकी बात करिए।

SHRI EDUARDO FALEIRO : It is not as simple as that..

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Why make it more complex? You go on to your point.

SHRI EDUARDO FALEIRO : No. What I am saying is, why I am adverting to this is; — you know and we know how complex the thing is -don't try to make it simple. Masks are successful. But, then, we know what is behind the mask. We know what is behind everything. I don't want to go into a more lurid type of thing. Now, therefore, we are very much worried about what you intend to do. We are opposing this legislation. But this legislation serves a purpose that next time when the Government comes with talks of review, we can all ask: review of what? What exactly do you want to review? There is not a single ground under which we can call for an amendment; let the hon. Member correct "me. Forget about the overall review of the Constitution. Now, whaf-we need here is, however, to repeal certain laws. Basically, let me say this. Now, he is talking of how we are still poor; or to say, how we are still defecting and so on. There is nothing wrong with the Constitution. What is wrong is with the people who implement the Constitution. It is not that the Americans have risen to No. I power in the world, nor the British had the Empire where the sun never set, because of their Constitution. They had it because of their value systems and the quality of the people who work for the Constitution. What we must do is to look at the human resources that work in the Constitution, and not look at the Constitution itself. And, kindly, let us not blame the judiciary. Judicial activities come into force not because the judges wanted them, but because Parliament does not execute the law; it does not do execution of anything. Therefore, the judiciary comes into the picture. Let the Parliament be effective. Let the Executive function as it should. Then, there will be no judicial activism. Now, therefore, what I am saying here is, let us not waste the time; the talk of review of the Constitution is at best the waste of time, and at the worst, it is adding to the chaos, and adding, qualitatively, to the chaos which, at the moment, prevails in some manner - in a small manner, maybe, *but in a manner which must be controlled in the country. But, I would say

that this debate serves two purposes. One thing which I have already mentioned is that next time if the Government comes with talks of review of the Constitution, by whomsoever it may be, we must ask: What exactly do you want to review and how? The talks from the brilliant speech, an eloquent speech, of the hon. Member do not call, in any manner, of touching the Constitution as it exists now. That is all I want to say as far as this matter is concerned. The second point for which this debate is useful is the following. There are lots of laws on our statute book which have become irrelevant, which have become obsolete! You see, the former Prime Minister, Mr. Gujral, on the 15th of August, 1997, declared from the ramparts of the Red Fort that there were more than three thousand laws on our Statute Book that have become, as a matter of fact, defunct and obsolete, and so, now the time has come to remove them from the Statute Book. I want, Mr. Vice-Chairman, to make this point. What is liberalisation? Liberalisation is a good thing, but not necessarily in the manner in which we have been understanding it. We have been understanding liberalisation as only liberalising imports, cutting on the Customs Duty, allowing everybody to get into this country. That is a simple, but a wrong, way. Liberalisation is reforming and making the system, the total administrative system, more effective. Cut on the delays, cut on the complications, cut on the obsolete laws, reduce the delays, make our system more effective and implement the laws. There is no need to make any new laws. There are plenty of laws with us. We are not short of laws. What we are short of is, effective implementation of the existing laws.

Therefore, with these words, I conclude by saying that in some manner, this has served the purpose on two counts. I have mentioned here already by way of an amendment, that the basic structure cannot be touched. The Minister has clarified that it will not be touched. But since the Member has not mentioned a single ground for a single amendment, and also, in view of the ideology that they are imbued with, or, at least some of the Members are imbued with - and I don't blame you; why do you feel so sensitive when I talk about Jan Sangh; are you, sort of, disowning your parents; nobody should do that, never should we disown our parents, whatever other people may say; don't disown your ancestry; don't disown your ideological ancestry; however, we must take notice —. we must absolutely, totally and fully oppose this Resolution.

SHRI PRAFULL GORADIA (Gujarat) : Mr. Vice-Chairman, Sir, I think I would like to maintain a dynamic neutrality between the two

view-points that have been expressed. But I will say, if we. are going to change or review, then it has to be a thorough, a fundamental and a systemic relook at our constitutional system, because a hurried, quick, ad hoc arrangement will only make matters worse. Why? I will come to that in a moment. I am not suggesting that the fathers of our Constitution were not great people. They were. But, I suppose, it was because of the circumstances at that time that we used the Government of India Act of 1935 as our skeleton. That was a law drafted, framed and passed by the British, to rule their colony effectively and, at the same time, to give a sop to the freedom-fighters and patriots of India. It was never meant to govern an independent country, with an intention to develop it. To it, we added bits and pieces from various Constitutions ~ ranging from the United States to, of course, the Westminster, Britain, to Switzerland, Soviet Union and so on. Little wonder that we have had to amend the Constitution 84 times in a matter of 24 years. The United States, in sharp contrast, in its 223 or 224 years, has amended its Constitution only 26 times. In other words, they had probably thought through ~ I don't know ~ longer than, perhaps, we were able to do. But, be that as it may, now, let us not tinker with it and continue to slap on to our Constitution fresh amendments. Either we should do some fundamental thinking or leave the things as they are. That is what I meant by saying that I would like to remain dynamically neutral between hon. Shri Agarwal and hon. Shri Faleiro. I agree that we learnt our constitutionalism from the West, and I am not, for a moment, suggesting that the westerners are any inferior to, us Indians. But I will submit that we have a very different ethos, a very different culture, and a very different psychology. After all, the left hand is equal to the right hand, but a glove made and tailored for the left hand cannot be fitted to the right hand. Now, what I meant by the two hands being different is; in other words, the European ethos, the Euro-American ethos, being different from ours. When I say 'ours', I mean, the majority of the people in India. The Indian ethos is essentially based on liberty, is based on a deep belief that your karma leads to your bhagya and, therefore, there cannot be a ceiling on the extent of good karma that you can perform, and the better the karma, the higher or the greater will be the bhagya.On the other hand, the western world has a greater faith in equality. I think, it is pre-occupied with equality. It believes that God made men equal, and society made them unequal. As a result, the interest in society is much greater. They want more comprehensive

governments, they want much more than our ethos, which is based on liberty, would like. I think, we prefer...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : Mr. Goradia, sorry, just a minute. You know, a large number of Members have expressed their desire to speak on this important subject. Some Members have also requested that the discussion on this Resolution should spill over because about 17 names are already before me, and some Members have orally expressed their desire to speak on this Resolution. Of course, we will continue till 5130 today to enable as many speakers as possible. If the House so agrees, we will take it to the next Session.

SHRI PRANAB MUKHERJEE (West Bengal): It should spill over to the next Session.

SHRI S. RAMACHANDRAN PILLAI (Kerala) : Yes. it should spill over.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Yes, that is why I wanted to have the sense of the House.

SHRI PRANAB MUKHERJEE : Sir, this is an important Resolution, and many Members would like to participate in it. There are different views, but nonetheless, we are grateful to the mover of the Resolution. He has drawn our attention to an important subject. In this connection, Sir, I would also like to submit, as today is Friday, and one Government Business, i.e., the Mines and Minerals (Regulation and Development) Amendment Bill, 1999, has been listed after the Private Members' Business, if we can defer it to Monday.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : I think, that is the sens^ of the House.

SHRI PRANAB MUKHERJEE : On Monday, we will get it passed. We are assuring the Government that the Bill will not be left in the lurch. We would like to get it passed by sitting extra time. It will, naturally, be the carried-over Business for Monday.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : So, we agree that til! 5.30, we will continue the discussion, and the discussion on the Resolution will spill over to the next Session. On Monday, we will discuss the Mines and Minerals Amendment Bill. I think, this is the sense of the House.

SOME HON. MEMBERS : Yes, Sir.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : Mr. Goradia, please continue.

SHRI PRAFULL GORADIA : Mr. Vice-Chairman, Sir, I assure you that I will be as brief as possible. We, in our country, need minimal government, not a lot of government, certainly, the opposite of totalitarianism. Yet, our Constitution happens to have 395 articles ~ I am talking about lot of government, as opposed to minimal government. The United States Constitution has only seven articles which goes to show how brief things can be. As I said, they have had only 26 amendments, despite being such a brief Constitution. The Swiss Constitution is supposed to be a very long one, it deals with gambling dens, lotteries, cattle diseases^sickness, burials and so on.Yet, it finishes in 123 articles. The Constitution of Japan, which is again a detailed one, has 103 articles and, incidentally, it has a new Constitution called Shova Constitution inaugurated in 1947 and it has not had a single amendment. China has already its second constitution. The first one was in 1954 and the second one was inaugurated in 1978.

Coming to the specifics, there is no doubt that article 356 has been used again and again and, probably, about a hundred times the State Governments have been dismissed by the use of this article and President's Rule imposed. Obviously, something is wrong somewhere. The fact that State Assemblies often meet only for essential statutory requirements and last three days or four days, again indicates that something is wrong. We are, indeed, dissatisfied with a number of Governments in the past. I am not necessarily talking of the present. Therefore, perhaps, if an amendment, or a change, as recommended by hon. Shri Agarwal, is contemplated, a beginning can be made by having the State legislatures concentrating only on law making and, perhaps, handing over the executive governance to a trinity or a trimurti of Governors'; The first three candidates elected through universal adult franchise to check each other, as well as to represent a fairly large section, different sections, of a State, and allow these Governors to have full executive authority for a period of five, maybe six years, but no question of seeking re-election in the State again, so that they govern for the sake of good governance and not with an eye on getting re-elected. This is an experiment which ought to be tried; otherwise, we are not going to get anywhere by merely changing this law or that law and having yet another ten amendments.

Examples can be many of what should be done' and what should not be done. Our Concurrent List is a long one. There is a Union List, there is a State List. On top of them, there is a Concurrent List and, often, the State Governments expect the Centre to act, and the Centre expects the States to act, resulting in some confusion. The confusion is not confined to the Concurrent List alone. In fact, it is there even in those areas which are clearly defined; for example, everytime, whenever there is a problem, we are told that law and order is a State subject and what can the Centre do. It is legitimate and correct, but then, why do we maintain such a large central reserve police? Why should there be a Central Industrial Security Force? Why should there be a Rapid Action Force? I can understand the para-military forces like the Border Security Force or the Indo-Tibetan Border Police. But what is the need for the Central Reserve Police Force, if the State Governments are also strictly incharge of law and order who employ a lot of policemen? So, this is what I meant by the confusion that probably is created and perhaps if we are going to have a thoroughgoing look, re-look, recheck, I think, these fundamentals which include, as earlier suggested, the psychology, the psyche of the people, should also be kept in mind. Sir, we have enough experience of 50 years. The less we borrow, Mr. Vice-Chairman, Sir, from the West and copy their constitutionalism, the better it will be for us because I think our system should match the preferences of our people and not something that has been the experience either of Britain, America^ Switzerland or the Soviet Union. With these, I would suggest, Mr. Vice-Chairman, that either we go in for a thorough re-look or we do not do anything. In other words, either follow what the hon. Member Shri Faleiro has suggested or do not do anything. On the other hand, I am not sure that really our system is in step with our times and this is one of the reasons why we are not making progress and moving fast enough So, I think, a systematic re-look many not be such a bad idea.

Sir! I thank you for granting me time. With these words, I conclude.

SHRI V. KISHORE CHANDRA S. DEO (Andhra Pradesh) : Mr. Vice-Chairman, Sir, I would like to thank Mr. Agarwal for moving this Resolution for discussion in this House because for the past few months or, maybe, more, we have been reading all kinds of statements by the leaders of various political parties and various other articles. This time this subject is being discussed on the floor of this august House. Sir, the Constitution of India has been now in use and in progress for the last 5(hyears. My previous

speaker, Shri Goradia referred to our Constitution and said that it was -copied from the West. Well, Sir, our Constitution, I agree, is one of the most elaborate Constitutions. It is well-drafted, well-stuthed and is one of the most through pieces of documents that have been produced in the recent times. It has not exactly been copied but it has been compiled from the experiences of various countries, including the Western countries. Sir, it is not only something that we have got from the British or the United States of America. Sir, you are well aware of the fact that in fact, the United Kingdom does not have a Constitution at all. The British Constitution is a combination of various Charters and is based on usages, practice and precedents. If we had adopted the Constitution of the United. Kingdom, then there would have been no need to have a written Constitution either. Likewise, Sir, you know the Directive Principles of State Policy which we have enumerated in our Constitution is something that we have taken from Ireland. The federal pattern of our polity is from America or many other Western countries. Since modern governments were established in the Western part of the world, we could not have framed our Constitution without taking into account the experiences of what happened in various developed Western countries. Mr. Vice-Chairman, Sir, certainly you would not have expected our Constitution to be a product of customs or predatory hordes or feudatory kingdoms that existed in the Eastern part of the world. Is that one that we want to have? This is the question that I pose. Sir, whether it is this Constitution or whether it is the British Constitution or whether it is the American system or whether it is the British system or whether it is the system that China is following or being followed in any African countries, it is the people who run the system. It is the people who work the system. The question we must ask ourselves is, whether the system has failed us, or, whether the Constitutiion has failed as, or whether we have failed the Constitution and the system. The system, which had worked well for 40 years, is said ato have been failing now. Why is it so? Why is it that this debate did not arise, or, the need for it did not arise, or, the need for it did not arise, a decade ago? Is it the fault of the Constitution? Or, have gone wrong somewhee ourselves, is the question that we should all ask ourselves.

Well, my friends, from the other side, referred to the number of amendments we had. He went on quoting examples from America. The Indian Constituion is not here to do want the Americans have done. That is what this present Government may be doing! That is a different matter. Of

course, we have had 84 Amendments to our Constitution. Why? Because, we have been reacting to the demands and the needs of the people. We have brought amendments because we have not closed our eyes to what was drafted fifty years ago. Sir, India is a nation of democracy. The Constitution that we enumerated is a unique exerience of its own. Mr. Vice-Chairman, Sir, you will appreciate the fact that most countries of the world are formed on the basis of two factors. What are those two factors? They are: Language or religion. A common religionor or a common language, or, maybe, both, have enthused people to form themselves into one nation, into one country and into one entity, beginning from the Greek City States, till the formatin of new countries and modern Government. There are the two basic factors which have driven men to form themselves as one union, one entity and one country. Mr. Vice-Chairman, Sir, wee all should understand that religion and language are two divisive factors in this country. The moment you talk of of religion, the moment you talk of language, you are raising the force of divisiveness in India. The most of unique experiment in hisotry is the Constitution of the Indian Republic. It was, under the leadership of Mahatma Gandhi, that the first political experiment took place when India, as a political entity, came into existence fifty years ago; not on the basis of religion, not on the basis of religion, not on the basis of language, but as a political entity, on the basis of the Indian Constituion, which has held us in a good stead for fity years. Now, the need for this discussion has arisen, the moment we have began to talk about regions, about religions, about languages, and about every other factor that will divide this country, rather than unite us as one. These are very, very basic lessons of history which we have to learn from other countries, from different parts of the world, and take lessons to see that these mistakes do not occur here, or, do not lead us into a parh where the country will break iinto smithreens and fall apart. Therefore, I feel anguished and I feel pained when I hear my learned friends talking in different voices, in different languages and with different tones.

Mr. Vice-Chairman, Sir, there has been a talk of having a fixed term for Parliament. Someone talks about the Presidential system. These are all very loose terms or ideas which have been floated, probably, as a result ofone's frustration with what has been happening tody. What is the basic tenet of democracy? The very basic tenet of democracy is the principle of majority. How can you have a fixed term for Parliament, if you believe in the democratic polity or in the rinciles of democracy, is the question that I would

like to ask you? Mr. Vice-Chairman, Sir, let us presume that, tomorrow, you have the Lower House, the Lok Sabha which has three distinct blocks. There are 540 seats in the lower House. Let us say that three different groups of parties or blocks have approximately 180 Members each. If one party comes to power, the other two can get together and defeat any Bill, including the Budget. The same thing could happen to the other two also. Are you going to have a Parliament, in the present system, with a fixed tenure of five years, where not a single Bill can be passed in Parliament, where the Budget proposals cannot be sanctioned, or, passed; where a Money Bill cannot be passed? Then, what is the essence of the parliamentary democracy? The money strings are with the lower House. That is why today the Lower House enjoys certain privileges which even we do not have. We cannot initiate a Money Bill. We cannot reject a Money Bill. We can only send it back. So, the essence of this kind of parliamentary democracy is that the House of the People the Lok Sabha the representatives of the people will have to consent before every rupee is drawn out of the exchequer. Tomorrow, if you have a system by which you say that there will be a fixed tenure of Parliament and if no combination of parties or a single party will be able to pass a Bill, what will happen to the country? Are you going to suggest that for five years we would have no projects, no progress, no salary? Do you want that kind of chaos? Do you want a civil war-like situation to erupt in this country? Or, do we want to land ourselves in a kind of bankrupt situation where money will be there in the treasury, but nobody can draw it? What is the sense of this new formulation? It is something which I fail to understand. You want to amend the Constitution in order to have a fix tenure of Parliament, that is, five years. All right, amend it. You will have four parties getting 125-130 seats each. No one party will be supported by any of the other three. What is your answer for the next four years? This is my question to which I would like to have your answer. Have you not thought of these basic things? Sir, I was surprised when I read reports in some newspapers. I do not know whether the reports were right or,wrong, but a very senior, seasoned Parliamentarian, apart from being the Prime Minister now, Atalji said somewhere that we must amend the Constitution to have a permanent term of five years for the Lok Sabha. What do you mean by this? I do not understand it. Though, it is there in their manifesto, it is not enough to say that you will have a fixed tenure for Parliament. How will you run that Parliament? You see, I will come with 200 MPs, you will come with 200 MPs, Mr. Pillai will come with

another 140 MPs, both of you will not support me; both of us will not support him, and both of us will not support you. Then, who will form the Government? Who will pass the Bills? How will the Government run? This is a basic commonsense question that, I think, is to be addressed. Principle of democracy itself lies in the principle of majority. If you do not believe in democratic polity or democratic principle, then I have no quarrel. I do not want any answer. Then, it is altogether a different question.

Sir, then we can go on saying that we should have the Presidential system. What do you mean by Presidential system? Actually ours is a nation of sub-nations. We are sub-nationals in this country. Maybe, there are racial differences between the people who live in one part of the country and the other. In a country like this, you want to talk of Presidential system. The philosophy of the present ruling party is known to us. Hindi and Hindu are synonymous. By suggesting the Presidential system, you would like to snuff out the rest of the country from the main stream of political activity and life. Once you have that kind of system, what will happen to the East, to the North-East, to the South? We have people from different cultures. We speak different languages. The lingual affinity will hold the cow belt of the Indo-Gangetic plane together. But what about the rest? This kind of a parliamentary system has assured a representation from different parts of the country, from different regions, where aspirations of those parts are also expressed in this House. The people from different regions find that, somehow, their views are accepted or accommodated by those who are in power. This Government wants to totally snuff out this reality, which is a part of our country, part of our nation. Do we want the nation itself to be balconised in small pieces of territory; small or big, whatever they may be? Mr. Vice-Chairman, Sir, I have expressed my practical apprehensions before you. If you have a presidential system, then Parliament becomes irrelevant. What work will your Parliament have to do? What does a presidential system mean? It means a direct election to the office of President with a fixed term. Then, why have Parliament at all? The President will choose his ministers, executives, like the American President. But, please remember, Sir, that in America, ev£ry State has its own Constitution. As far as the federal Government is concerned, its concern is only with federal matters which have been defined in the Constitution. The presidential system may have some meaning in bur country, if you are prepared to devolve and decentralize powers to the States. But, are you prepared to do that? Are you prepared to

give powers to the States, about which every political party talks when it is out of power, but no political party is prepared to talk about it when it comes to power? Mr. Vice-Chairman, Sir, I come from the State of Andhra Pradesh. My State is bigger than many countries in Europe. We have the State of Uttar Pradesh which is equivalent to, maybe, one or a few countries in other parts of the world. Are we prepared to devolve powers from the Centre? Are we prepared to decentralise powers, give the States a free hand to decide their own activities? Well, maybe, a person like me, would not mind thinking or discussing a presidential system because everything will not have to be revolved around the Centre. Mr. Vice-Chairman, Sir, this is the reality in our country today. In fact, today, you find the growth of many regional parties. One of the rersons for this is that we have not, or, our Constitution has not given enough scope or room for regional aspirations to find a place in national activity. So, that kind of a system has to be co-related with something else also. You cannot straightway talk of a presidential system without going in for devolution of powers, without decentralizing powers from the Centre to the States, without going in for a different kind of adjustment between the Centre and the States. The Centre-State relation is a topic which has been discussed several times in both Houses of Parliament. The Sarkaria Commission's Report, as has been referred to, debated and discussed in both Houses of Parliament on many occasions. But has any effort, at any point of time, been made to really honour, respect, or, really give anything, that is due to the States, from the Centre?

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : Mr. Kishore Deo, how long will you take?

SHRI V. KISHORE CHANDRA S. DEO : Mr. Vice-Chairman, Sir, I think this Resolution is going to spill over to the next Session. Sir; this is a topic which the whole country is seized of. So, I plead that you bear with me for some more time.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : I want, at least, two more speakers to speak today.

SHRI V. KISHORE CHANDRA S. DEO : Surely, Sir, I will not take all the time. So, Mr. Chairman, Sir, this has to be accompanied by some other excercise also. There has to be a national consensus on this. That consensus will have to be evolved by discussions and debates and not by mere excercise of majhority of power in Parliament, whether it is here or whether it is there.

So, Mr. Vice-Chairman, Sir, this is a topic which has found place in the editorials of newspapers. Various articles have been written. They have been debated in different fora. But nobody has really got into the details. They say that there is no stability. No party is in a position to get a majority in Parliament to have the Presidential system. That is not the way. That is not the answer.

Mr. Vice-Chairman, Sir, no political party has been able to get any majority today, what is the reason? Probably, the political parties, which are there, all of the political parties or many of them do not have a base in many parts of the country. So, for however long-these political parties may contest, they will not get that majority because the seats are distributed all over the country. So, in a particular region, one region or two regions, you may get all the seats, but that is not going to give you a majority. If you think that you are going to get a majority by just changing the system from the parliamentary system to another, you are trying to contrive an artificial majority from that region or part of the country where you already have support in Parliament. By the present parliamentary system you cannot get a majority. So, you feel that by doing this, the Presidential election will yield results. Quantum-wise, yes, but qualitatively, nothing is going to change. What kind of stability do you want? Let me mention here, Mr. Vice-Chairman, that it is not numbers alone, which provide stability. We have been governments, which have come with very large numbers. There was the first non-Congress Government, which was formed over here when I first came to the other House as a young Member. It had 370 MPs. The parties may have been different. But they all joined together and formed themselves into one political party. Those 370 MPs. could not get the Government going for more than two-and-a-haff years. So, numbers need not necessarily provide stability. It is totally wrong for us to think in that way. Governments here have lasted their full term even when they had not had that kind of majority in Parliament. Between 1967 and 1971, we had a government when the Lok Sabha was dissolved for different resons, not due to lack of number. But nobody can say that that Government was unstable. Again, Mr. Chairman, from 1991 to 1996, we had a Government here at the Centre, which did not get the requisite number of Members. But the government was stable. A number of Bills were passed. A number 6f legislation were made. A number of policy decisions were taken, whether we agree with them or not. So, mumbers are not the only criteria, whereas, on the contrary, on more than one occasion, large numbers

have resulted in governments not lasting their full term.

So, what we require today is not merely a review ot change of the system or the Constitution. What we require is a political commitment. What we require is a commitment to an ideology. If you have a govenment with some basic economic programme with a common basic ideology, that kind of government may not have enough number of MPs. in one party; there may be a combination of two or three parties; but, once there is some basic understanding, that government will last long. But, if you have a government, even of two political parties with divergently opposite, diametrically opposite political views, that government is not going to last long. The numbers may be very high. But we have seen such writings written on the wall from the day these governments were formed. Therefore, Mr. Vice-Chairman, Sir, let us not be misled by happenings or by events, which are far from reality. To think that no political party is in a position to get its majority on its own, therefore, we must change the system itself or blame the Constitution or the system, when we ourselves have failed, would be actually doing a great harm to the future generations of this country.

Sir, our Constitution, as I mentioned earlier, has not left anything in doubt. The hon. Member, who spoke before me, was speaking about the American Constitution, which, he said, has just 20 or 25 articles. But the fact that our Constitution has a good number of articles means that the Constitution has been made very explicit. Nothing has been left to imagination or doubt. Wherever such a situation has arisen, whichever political party might have been in power, we have reacted to the demands of the day, to the needs of the people, to the call of the nation and brought in amendments. What is wrong in bringing in 84 amendments. Sir, if necessary, let us bring 84 more amendments. Is it a sin to amend the Constitution, if you need to do it? The Constitution was framed 50 years ago. Times are changing fast. In a period of rapid social change, at a time when economies of scale are changing every day, at this moment in history when mighty Governments and super-powers have fallen, at a time when new generations are coming up, looking at new perspectives, when the world is becoming smaller, are we going to adapt ourselves to new demands or the changing circumstances, or, are we going to sit back with what is handed over to us 50 years ago or a century ago?

Sir, it is often said that consistency is the virtue of an ass. Do you want the Constitution to be an ass or should we make our Constitution

dynamic? Should we change it by correcting whatever deficiency there is and update it to meet the challenges of the 21st century or the future?

Sir, I do not want to go into all the controversial aspects related to this particular subject, because several aspersions have been cast on the need for reviewing the Constitution. I do not want to go into all these details. It is a very serious topic and, I think, once and for all Parliament should discuss, debate and go deeply into this aspect and decide as to what exactly do we want. Therefore, while appreciating the fact that Mr. Agarwal has brought before this House a Resolution ~ this has been in the minds of many people in the country - I think, this is something which requires a national debate, to discuss it threadbare. The issues will have to be thrashed out, explanations will have to be given. The statements should not be just in the form of off the cuff remarks. Pragmatism is one aspect which has to be kept foremost in our mind. What do you gain by reviewing the Constitution? The Constitution is always open for discussion. Certain articles, or, maybe, even certain Chapters or parts have, indeed, been amended or changed. I do not know what they imply when they say they need review of the Constitution.

Sir, I would like to thank you for giving me this opportunity to speak and also for the patience to bear with me. Thank you.

SHRI S. RAMACHANDRAN PILLAI : Mr. Vice-Chairman, Sir, I rise to oppose the Resolution moved by Shri Ramdas Agarwal. A superficial reading of the Resolution reveals, it is innocuous. When the Resolution was moved, the Hon. Minister, Shri Jethmalani said, "Of course, the Government is examining these aspects. But the basic structure of the Constitution will not be changed." It is a fact that during the last 49 years, we have effected 78 changes in the Constitution. Now, the Mover of the Resolution is seeking a thorough review of the Constitution, even though he has not spelt about the debate that is going on this country and the views of his own political party. Of course, the Mover of the Resolution's intention is to have a thorough change of the Constitution. I don't accept it. I don't think there is any need for a thorough change of the Constitution. It is not a static document. It is a vibrant, dynamic, document. We have been making necessary amendments in the Constitution, taking into consideration the changes that are taking place at the international level and at the national level. So, there is no need for making any thorough change in the Constitution. There is no need to make a thorough review of the Constitution.

5.00 P.M

Sir, our Constitution was drafted, taking into consideration the objective realities existing in all the countries, by taking into consideration the experience of history. That is how our Constitution was framed. Of course, this is giving us broad guidelines in tackling the present problems; and helps us in meeting the future problems also. It also provides us sufficient institutional mechanisms to tackle the present problems.

Sir, to me, the fifty years of our experience, actually, justifies that the basic structure of the Constitution should not be tampered with. The basic structure, the basic institutions, the basic guidelines and the basic tenets of the Constitution help us in tackling the present problems. It is giving us strength in tackling problems. So, there is no need to change the basic structure or the basic tenets of the Constitution. That doesn't mean that one have no dispute with the present Constitution. Of course, we consider the present Constitution as biased towards the haves; and it is not supporting the have-nots. But I do realise, Sir, that this Constitution provides us facilities for organising the people, for launching their struggles and helps us in attaining some achievements. Therefore, the basic structure of the Constitution should not be

tampered with. Of course, there are two attempts relating to subverting the Constitution. One is from the other side. "Oh! India is a diverse country. So, let the States divide; let us separate". Some divisive forces, some fissiparous forces, are demanding this. They want to divide the country. Of course, it is a fact that behind these fissiparous forces, divisive forces, some foreign elements are also working. There is another trend. "The present sort of parliamentary system is dividing our society, is encouraging fissiparous tendencies. So, let us do away with this parlaimentary system, let us try to change the present system to a Presidential form of Government and the Presidential form of Government can take care of the problems." I disagree with these two views. These two views, these two approaches, will not help us in solving the present problems. As my learned friend, Mr. Kishore Chandra Deo, has explained, India is a country with great diversities; we speak different languages; we wear different dresses; our food habits are also different; the style of life is also different in different parts of the country; we believe in many religions; many castes are there; in ethnic communities we find a lot of differences; and, if you look at the unevenness in growth, that is growing. But, among all these diversities, we also see a common running

thread of unity. We are developing that common running thread of unity. It is because of our past history, the big social upheavals and our united fight against British imperialism. And our living together for the last 50 years is definitely helping this process of unification. So, the issue before us is, how to strengthen this process of unification? Without strengthening this process of unification, of course, we cannot tackle the problems, we cannot face the challenges, we cannot, as a developed nation, go to the future. There also, of course, there are three approaches. One, I told you, Sir-"Oh! India is a divided country. So, let us divide." That will not solve the problem. There is another attempt. In India, of course, there is a dominant culture. So, the dominant culture should try to assimilate all others. This sort of assimilation theory will not solve our problems. Let the people voluntarily interact, and through the voluntary interaction, the people will come together. That will help us in integrating the Indian society. Any sort of domination, any sort of imposition, any sort of dominant culture assimilating all others, will divide the society. That will actually aggravate the stresses and strains we face in our Indian society. Of course, if you look at it now, the change in dresses is slowly, slowly diminishing. In Kerala also, instead of Dhoti, of course, our girls are wearing what you call salwar kameez. It is not because of any law, it is not because of any imposition. In many southern States, Hindi is being spoken. Of course, we are speaking Hindi today but not because of its imposition. When the Government had tried to impose Hindi, there was resistance from Tamil Nadu, from other parts of the country. Now, through television, through our voluntary interaction, Hindi is being spoken in many parts of our country. The food habits in Delhi are not imposed on the north Indians. Chapatis are not imposed by the north Indians on the south Indians. Of course, dosa and sambar have become national things. It is not imposed. Through our voluntary interaction, of course, we are coming together. These diversities are slowly fading away. So, let us strengthen this process. Instead of imposition! instead of a dominant culture dominating others, let us develop the process of unification through voluntary interaction. So, this process of unification should be strengthened. These problems cannot be solved by a Presidential form of Government. A parliamentary system and a federal setup have taken care of all these diversities. The Prime Minister is there, a big Cabinet is there, the Cabinet Ministers are there, the State Ministers with independent Charges are there, the State Ministers are there, the Deputy Ministers are there. They are taking into consideration all these diversities,

all these differences and all the unevenness. Through this process, we are trying to evolve some sort of consensus, and based on that consensus, we are trying to move forward. So, a federal set up and a parliamentary system that we have here, are, in a way, strengthening the process of unification. If you change that system, if you introduce a Presidential form of Government, that will only facilitate the domination of the most dominat section, that will aggravate the stresses and strains that we have in the Indian society. It cannot absorb the shock. Sir, we need many shock absorbers in the society. Without the shock absorber, we cannot sustain the present society. So, the periodical elections, the Cabinet system, the Centre-State Relations, the Cabinet system and the changes are helping us to face these challenges. So, any change in the present situation will only aggravate the problems we face in the Indian society. Now, we are talking about globalisation. How is the globalisation coming? It is because of more and more economic interaction, it is because of the technological changes, it is because of more and more developed communication systems. In this way, of course, the world is coming together. Our object is not to say that this is a dangerous thing that the world is coming closer. No, no. While we do all these things, we should take care of our own interests. I had opposed the proposal of globalisation in this House. Certain dominant sections are trying to dominate the less privileged sections. America is trying to dominate. Other developed countries are trying to dominate. They want us to sign the N.T.P.T. under duress, they want us to sign the C.T.B.T., they forced us to agree on the basis of their interest in the W.T.O. We should fight. So, here is an international arena and we are fighting their attempt of domination. Here also, in the Indian Society let this voluntary nature of interaction slowly evolve the integration. Let us strengthen the process. Whatever political initiatives we have taken, whatever experience we have in the last 50 years, what lessons have we learned? We have seen many changes, many Stresses and strains, many attempts, many riots, but we are still a nation, still a united country, and the process of integration is developing. The present system has helped us in meeting these challenges. That also helped us in integrating our Indian society. Sir, we also know the experience of the United States of America, the experience of France. Of course, experiences of many other countries are also there. They are entirely different. Their situation is entirely different from the situation that we have here. Of course, we want to learn from those experiences. On the basis of our own experience, we are making changes.

That way, we can do it.

There is another argument. The present Constitution is appeasing the minorities only. One other argument is, let us do away with all the protections for the minorities. Sir, it is a fact that in a democratic set-up, the majority rules. Along with that, the right of the minorities to dissent is an important factor. India is a country where different religions are there. Hindus are there in larger numbers. People relating to other religions are in lesser numbers. On the basis of these objective realities, we came to the conclusion, in 1950, that in the present set-up, we should provide certain safeguards to the minorities; otherwise, their rights will be taken away. Article 30 and other provisions, to a greater extent, try to protect the interests of the minorities, their right to believe, their right to propagate what they believe to be true. The sanctity of their churches and other institutions should not be polluted, should not be destroyed. They should not be attacked. That is absolutely necessary. Sir, in a multi-religious society, it is only with equal rights to people belonging to all religions that we can sustain the unity of the country, we can sustain the unity of the people. If any religion, if a particular dominant religion, tries to impose its will, or if we do not try to correct the mistakes that happened in the past, that will destroy the society, that will divide (he society, and that will put one section against another section. Based on our own experience, based on the international experience, let us try not to temper with the rights provided in our Constitution for the minorities. The other debate that is going on in our country is that periodical elections are not good for our country; let us fix a five year term for our MPs, for our Parliament. Sir, it is not the fixed term that is important, it is the policies that are important. If you give a five year term to a bad Government, for a corrupt Government, that will be ruinous for the country. Let us have periodic elections rather than having a corrupt Government, or a bad Government, or a Govenment dividing the society and putting the people to fight. Definitely, with all these diversities, there is no danger. Of course, we have only 50 years of experience of running this sort of a political system. We know the history of other countries. They have had about 300, 400 or 500 years' experience. Here, if we have elections every two years or three years, then, what is the harm in it? I do not find any harm in it. It is always better to have elections than having a bad Government.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : Now, how long will you take?

SHRI MD. SALIM : No fixed term.

SHRI S. RAMACHANDRAN PILLAI : I will take another five minutes. That is all. Yes, there is no fixed term, but fixed time is there. That is why, he reminded me to conclude. I do accept it. There is another proposal that when a 'No Confidence Resolution' is moved in the Parliament, there should be a proposal that such and such Ministry or Cabinet will be formed under somebody's leadership. That system is there in existence in some parts of the world. Let us try to do that. Sir, that will be more dangerous than the present system that we have. That will create more problems than the problems we are facing here now. Let the Government work it out. In a political situation, political parties interact and come to a conclusion. If they can come to a conclusion, let them form a Government. If they cannot come to a conclusion, let a new election be ordered. What is wrong in having an election? Of course, the will of the people is the main factor in a democratic system. We are going to the people and getting their mandate. So, this fixed term is a dangerous proposal. To propose a new Cabinet along with the "No Confidence Motion is also a dangerous proposal. That will only help those who are corrupt. This sort of a thing will not solve our problems. What is primary with regard to this? It is policies that are primary. We should give importance to the policies. Let the political parties interact and come to some sort of a consensus and on that basis they can form a Government. Lit them not enter into opportunist alliances for the sake of Government and Government alone. If you limit that thing, if you put a condition that the nature of the Government should be spelt out in a "No Confidence Motion", of course, that will not help. So, Sir, I am glad, the Mover of the Resolution, Shri Agarwal, gave us an opportunity to have a debate on a very serious matter in our country. Let us not tinker with, or change, the basic structure of the Constitution. From time to time, based on the changes that are happening, we have made changes in the Constitution here and there. We can make such changes in future also. A thorough review of the Constitution, changing the basic structure of the Constitution, is a dangerous proposition. That will only aggravate the problems. That will divide our society. That will bring serious adverse consequences. That is why I strongly oppose the aim, though he has not spelt it out clearly, which is hidden in this Resolution.

*SHRI SOLIPETA RAMACHANDRA REDDY (Andhra Pradesh) Thank you, Mr. Vice-Chairman, Sir, for allowing me to speak in my mother tongue, Telugu.

Mr. Vice Chairman, Sir, I am grateful to you for allowing me to speak in my mother tongue Telugu. After the experience of 50 years since Independence, Shri Ramdas Agarwal through his resolution has sought to focus our attention on the need to review the Constitution of India. Sir, while supporting this resolution I would like to express my views on the subject. It is essential to review the constitution. But Sir, as far as the Preamble, the fundamental rights and directive principles enshrined inthe constitution are concerned there is no need of bringing about any change. Similarly, the basic structure of it also doesn't need any change or review. I am happy that Shri Ramdas Agarwal is also of the same opinion. Some"hon. members have expressed their apprehension that there is some hidden agenda. But I feel that there is nothing hidden as far as Shri Ramdas Agarwal's resolution is

But Sir, now if we think why it is necessary to review the constitution, it is because of the rights of the State Governments which are being gradually taken away by the Centre. This is creating a lot of problems, the financial resources of the Centre are increasing but it continues to have step-motherly attitude towards the States in so far as it is not providing enough financial resources to the States.

Now-a-days elections have become very frequent. Almost every year or year and a half-we have elections. This gives a feeling among the citizens, leaders of the parties and the educated that the nations exchenquer is being wasted. So, we have to take care of sue impressios spreading among citizens. A Parliament Member becomes a Chief Minister and comesand votes in the Lok Sabha can be do it? There should be unambiguous provisions in this regard. What devices should we adopt to make our electoral system more democratic? How to makethe anti-defection law more stringent? Sir, my submission is that we should think serioulsy on such issues and come to a conclusion.

Sir, we won Independence and fifty years have since passed by. The citizens of our country worked hard and created a lot of wealth. But when we look back it is very unfortunate that 40 per cent of our population is still forced to live below the poverty line. Forty per cent of our people do not even

* English translation of the original speech delivered in Telugu.

concerned and I also wish that there was noneknow the alphabets. We are still lagging behind in providing education and basic medical facilities to a largesection of our population. Are we able to provide drinking water in all the rural areas?

श्री नरेन्द्र मोहन (उत्तर प्रदेश) **:** क्या तेलुगू कर हिन्दी में अनुवाद संभव नहीं हैं? हिन्दी में अनुवाद नहीं हो रहा है। क्या हिन्दी में अनुवाद की व्यवस्था नहीं हैं?

उपसभाध्यक्ष (**श्री टी. एन. चतुर्वेदी**) : इस को अभी देख लेंगे। उन्हें बोलने दीजिए।

SHRI SOLIPETA RAMACHANDRA REDDY : Even to-day our villages are in a bad state. During the rainy season, it is very difficult to travel on the roads on bi-cycle or any other vehicle. Why could"t we improve the situation? What is thereason? *....(Interruptions) ...*

SHRI MD. SALIM : For the information of Shri Narendra Mohanji ....No Sir, it should not go on record. When a member speaks in a regional language it is translated into both English and Hindi and in Parliament the systemis available.

THE CHAIRMAN (SHRI T.N. CHATURVEDI) : Please let him make a substantial ... *(Interruptions) ...*

श्री नरेन्द्र माहेन : अब हिंदी में अनुवाद आरंभ कर दिया हैं मेरी आपत्ति के बाद अनुवादकों ने अपनी भूल को समझा और इन्होंने हिंदी में अनुवाद आरंभ कर दिया हैं। मैं आपका धन्यवाद करता हूं।

उपसभाध्यक्ष (**श्री टी. एन. चतुवेर्दी**) : देर से सही, लेकिन दुरूस्त हो गया।

SHRI SOLIPETA RAMACHANDRA REDDY: Sir, the constitution makers of our country worked very hard, made a comprehesive study of the consitutions of other countries and included all their important and relevant features in our consttutibn. But Sir, the problems arise when the Government at the Centre fails to uphold the constitution in letter and spirit. Sir, the consitution makers have given a federal structure to our constitution. There is no mention of Central Government in our constitution. They have used the word 'Union of States' and not 'Central Government'. That means our constitution makers have given a lot of significance to States. But if we look back, in these 50 years we have been reducing the federal spirit gradually and introducing Unitary System of Government. The Centre has been making

constitutional amendments now and then to gradually infringe on the jurisdiction of the State Governments.

Sir, recently hon. Minister Shri Ananth Kumar has said in Bangalore, that games and sports should be trasferred to the Concurrent List from the State List. It is very unfortunate, Sir, we had earlier thought that this Government would not continu "the practice of taking away state's powers by the previous Governments for 50 years." Now that they are thinking on these lines, is very unfortunate Sir... There were many occasions where the subjects of the State list have been shifted to the Concurrent List. In this way the powers vested in the States have been sought to be taken away. Sir, it is very essential that states and local bothes should be financially sound. If they have to become secured the revenue being collected by the Centre should be adequately disbursed to. the states. The allocation of funds by the Center to the States is graduity decreasing instead of increasing. To-day all the States are facing acute financial crisis. Sir, in 1990-91 the allocation to the States was 30.5 percent and in 1998-99 it has gone down to 22 per cent. It is really unfortunate, Sir. The Task Force Comittee headed by Shri Bhairon Singh Shekawat in its report submit last year in June says. That except in the years, 93-94 and 97-98, the Central allocation to the States has all along been less than 29 per cent. In June 1997 the Inter-State Council meeting recommended that the states share should be 29 per cent. The Andhra Pradesh Chief Minister, Shri Chandra Babu Naidu and the West Bengal Chief Minister, Shri Jyoti Basuhad demanded that this allocation should be raised to 33 per cent and gradually t0 50 per cent. Nothing has been done by the Government so far in this regard.

Sir, States hav,e more responsibilities towards the people's problem compared to the Centre . The common man living in a village will approach the State Government for his problmes. he will not go to the Centre, the State Governments have to look after the^ Local governments, and Local bothes. It is their reponsibility. Agriculture is under State Governments. Irrigation facilities have to be provided by the State Governments. It is the responsibility of the States to provide educational facilities, electricity, roads etc. in every sm|al village of the State. It has to see that no village remains backward. What is the Central Government doing? It is giving to the States only from two types of faxes while it earns revenue from many different sources. It is long standing demand that the centre should pass on 29 per cent

of its receipts from each of its sources of the States. The Centre despite its commitment to do so, keeps on postponing its implemention.

Mr. Vice Chairman Sir, people have come to the conclusion that the federal system is being weakened. That is why they have given regional parties a vast mandate wishing that they would protect our federal system. Sir, now the B.J.P, is in power at the Centre. Shri Vajpayee has many times stressed that the States should not be in such a situation where they have to look forward to the Centre for help for each and every small job. But now that he has come to power, 1 never heard him mention anything on this issue. Sir, my submission is that people have given such a verdict as they found the federal system was disappearing. As some of our hon. Members have already said, nothing is done to stem it, there is every likelihood of many more regional parties coming up. People are voting in favour of the regional parties and sending them to the Centre. Without the support of the regional parties no national party can form a Government. They cannot simply function. This is the situation we are facing to-day, Sir. So there is a dire need to understand the spirit with which our constitution makers gave us the federal system and efforts should be made to immplement it faithfully Sir, the Ce*nter is dilly-dallying in giving powers to the State that they deserved. We do not find any genuine reason behind this attitude. There are many contributing factors like bureaucratic inefficiency etc. responsible for the failure of the federal system. The Center should ratin only the important departments like, Defence, External Affairs, Finance, Railways, communications and Postal Services etc. It should hand over rest of the departments to the states to manage. Only then Sir, this country Will run according to the wishes of our constitution makers and not otheriwse. If we have to compete in globalization we have to improve situations in our villages and districts. In order to achieve this objective, we need sufficient funds at the disposal of the State Governments and the State Governments in turn should pass on the funds to local bothes. Though 73rd and 74th constitutional amendments were made regarding local bothes yet nothing came out of them as they were not implemeted, it is therefore very important that we reach every corner of our coutnry and see that development takes plae every where. Accordingly, We should review the constitution.

Sir, if we have to protect the national interest, we have to transfer more powers to the states and also give them adequate financial independence. Budgetary allocation should be increased. Another important

issue relates to the elections which are being held frequently. There is a need to review the| Constitution to tackle the problem of elections being held every year. Some of my colleagues have mentioned, and 1 also agree with them, that elections should be fought on policies and programmes. It is not fair on the part of any Goverment to get a majority by any means and complete the 5 years' term doing nothing. The main objective of any government is to make all out efforts to bring about all round development and progress in the country. It should have a thorough understanding of the problems facing the country so that it can solve them? There should be consistency in its functioning. But Sir, it is most undersirable to hold elections every year. Sir, I have a suggestion in this regard. The Lok Sabha already has 5 year term according to our constitution. There is no need to amend it. But a clause can be added providing that the Government would continue for the full 5 year term. That will take care of it.

THE VICE CHAIRMAN (SHRI T.N. CHATURVEDI) : Mr. R eddy I hope you are winding up in minute or so. Because of the clock now the tyranny

SHRI SOLIPETA RAMACHANDRA REDDY : Yes Sir, when the no confidence motion is moved an aternative must be offered along side it. It should be made clear as to who will be forming the alternative Government after the existing Government falls. 1 think that will solve the problem and there would be no need to review the constitution only on this count.

Lastly Sir, whatever attemps have been made during the last 50 years to tinker with he federal system giving it a heavy unitary bias should be reversed in order to restore thefederal form which should be further strengthened. Only then the dreams of our constitution makers will be fulfilled and our country's situation will improve. With, these words I conclude and thank you Sir, for giving me this opportunity.

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI) : Thank you. It is 5.30 now. We had decided that we will be here today till 5.30. The discussion will continue in the next session.

SHRI MD. SALIM : That we cannot decide here. That is for the Chairman to decide.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): The Bill which was scheduled to be taken up today, will be taken up on Monday.

The House is adjourned till 11.00 A.M. on Monday, the 13th December, 1999.

The House then adjourned at thirty-two minutes past five of the clock till 11.00 A.M. on Monday, the 13th December, 1999.